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OF THE UNITED STATES

VOLUME 14 NUMBER 197

Washington, Wednesday, October 12, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10083

REVOCATION OF EXECUTIVE ORDERS NOS. 9698,[1] 9751,[2] AND 9823[2] SO FAR AS THEY PERTAIN TO CERTAIN INTERNATIONAL ORGANIZATIONS

WHEREAS the United Nations Relief and Rehabilitation Administration, the Inter-American Coffee Board, and the Intergovernmental Committee on Refugees were designated, respectively, by Executive Order No. 9698 of February 19, 1946, Executive Order No. 9751 of July 11, 1946, and Executive Order No. 9823 of January 24, 1947, as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act (59 Stat. 669); and

WHEREAS the said international organizations have ceased to exist or are in process of liquidation:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said International Organizations Immunities Act, I hereby revoke the said Executive Orders Nos. 9698, 9751, and 9823 so far as they pertain, respectively, to the United Nations Relief and Rehabilitation Administration, the Inter-American Coffee Board, and the Intergovernmental Committee on Refugees.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 10, 1949.

[F. R. Doc. 49-8200; Filed, Oct. 11, 1949; 10:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL RAILROAD ADJUSTMENT BOARD

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the National Railroad Adjustment Board, the Commission has determined that the positions of private secretary or confidential assistant to each member of regional adjustment boards be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, a new paragraph (b) is added to § 6.127 as follows:

§ 6.127 *National Railroad Adjustment Board.* * * *

(b) One private secretary or confidential assistant to each member of regional adjustment boards.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 49-8152; Filed, Oct. 11, 1949; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Corn Bulletin 1, Supp. 1]

PART 606—CORN

SUBPART—1949 CORN LOAN AND PURCHASE

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 6039, governing the making of loans and containing the requirements of the purchase agreement program on corn produced in 1949 are hereby supplemented as follows:

§ 606.126 *Basic support rates.* Basic support rates per bushel of eligible corn grading No. 3, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, are as follows for the respective States and counties:

(Continued on next page)

[1] 3 CFR, 1946 Supp.
[2] 3 CFR, 1947 Supp.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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ALABAMA

	Rate per bushel
All counties	$1.59

ARKANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Arkansas	$1.57	Cleveland	$1.56
Ashley	1.59	Columbia	1.56
Baxter	1.46	Conway	1.52
Benton	1.46	Craighead	1.50
Boone	1.46	Crawford	1.49
Bradley	1.53	Crittenden	1.53
Calhoun	1.58	Cross	1.52
Carroll	1.46	Dallas	1.56
Chicot	1.59	Desha	1.59
Clark	1.54	Drew	1.58
Clay	1.46	Faulkner	1.52
Cleburne	1.51	Franklin	1.51

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Fulton	$1.46	Nevada	$1.55
Garland	1.52	Newton	1.49
Grant	1.54	Ouachita	1.56
Greene	1.48	Perry	1.52
Hempstead	1.53	Phillips	1.58
Hot Spring	1.54	Pike	1.52
Howard	1.51	Poinsett	1.51
Independence	1.51	Polk	1.49
Izard	1.49	Pope	1.51
Jackson	1.51	Prairie	1.55
Jefferson	1.56	Pulaski	1.53
Johnson	1.51	Randolph	1.46
Lafayette	1.55	St. Francis	1.54
Lawrence	1.49	Saline	1.52
Lee	1.55	Scott	1.49
Lincoln	1.58	Searcy	1.49
Little River	1.51	Sebastian	1.49
Logan	1.51	Sevier	1.50
Lonoke	1.54	Sharp	1.49
Madison	1.49	Stone	1.50
Marion	1.46	Union	1.58
Miller	1.53	Van Buren	1.51
Mississippi	1.48	Washington	1.49
Monroe	1.55	White	1.52
Montgomery	1.51	Woodruff	1.52
		Yell	1.51

ARIZONA

All counties 1.61

CALIFORNIA

All counties 1.66

COLORADO

Adams	1.39	Larimer	1.40
Alamosa	1.41	Las Animas	1.40
Arapahoe	1.39	Lincoln	1.39
Archuleta	1.43	Logan	1.37
Baca	1.39	Mesa	1.44
Bent	1.39	Moffat	1.43
Boulder	1.40	Montezuma	1.44
Cheyenne	1.38	Montrose	1.44
Conejos	1.42	Morgan	1.38
Costilla	1.41	Otero	1.40
Crowley	1.40	Ouray	1.44
Custer	1.41	Phillips	1.35
Delta	1.44	Pitkin	1.44
Dolores	1.44	Prowers	1.38
Douglas	1.40	Pueblo	1.40
Elbert	1.39	Rio Blanco	1.43
El Paso	1.39	Rio Grande	1.42
Fremont	1.41	Routt	1.42
Garfield	1.44	Saguache	1.41
Grand	1.41	San Miguel	1.44
Huerfano	1.40	Sedgwick	1.35
Jefferson	1.40	Washington	1.37
Kiowa	1.38	Weld	1.38
Kit Carson	1.38	Yuma	1.36
La Plata	1.43		

CONNECTICUT

All counties 1.65

DELAWARE

All counties 1.57

FLORIDA

All counties 1.59

GEORGIA

All counties 1.59

IDAHO

All counties 1.53

ILLINOIS

Adams	1.38	Crawford	1.41
Alexander	1.44	Cumberland	1.40
Bond	1.40	De Kalb	1.39
Boone	1.38	De Witt	1.39
Brown	1.39	Douglas	1.39
Bureau	1.38	Du Page	1.40
Calhoun	1.39	Edgar	1.39
Carroll	1.38	Edwards	1.42
Cass	1.39	Effingham	1.41
Champaign	1.39	Fayette	1.40
Christian	1.39	Ford	1.39
Clark	1.40	Franklin	1.42
Clay	1.41	Fulton	1.39
Clinton	1.41	Gallatin	1.43
Coles	1.39	Greene	1.39
Cook	1.41	Grundy	1.39

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Hamilton	$1.42	Montgomery	$1.39
Hancock	1.38	Morgan	1.39
Hardin	1.43	Moultrie	1.39
Henderson	1.38	Ogle	1.38
Henry	1.38	Peoria	1.39
Iroquois	1.40	Perry	1.42
Jackson	1.43	Piatt	1.39
Jasper	1.41	Pike	1.39
Jefferson	1.41	Pope	1.43
Jersey	1.40	Pulaski	1.44
Jo Daviess	1.37	Putnam	1.38
Johnson	1.43	Randolph	1.42
Kane	1.40	Richland	1.42
Kankakee	1.39	Rock Island	1.38
Kendall	1.39	St. Clair	1.42
Knox	1.38	Saline	1.43
Lake	1.41	Sangamon	1.39
La Salle	1.38	Schuyler	1.39
Lawrence	1.42	Scott	1.39
Lee	1.38	Shelby	1.40
Livingston	1.39	Stark	1.38
Logan	1.39	Stephenson	1.38
McDonough	1.38	Tazewell	1.39
McHenry	1.39	Union	1.43
McLean	1.39	Vermilion	1.39
Macon	1.39	Wabash	1.42
Macoupin	1.40	Warren	1.38
Madison	1.41	Washington	1.42
Marion	1.41	Wayne	1.41
Marshall	1.38	White	1.42
Mason	1.39	Whiteside	1.38
Massac	1.43	Will	1.40
Menard	1.39	Williamson	1.43
Mercer	1.37	Winnebago	1.38
Monroe	1.42	Woodford	1.39

INDIANA

Adams	1.41	Lawrence	1.41
Allen	1.41	Madison	1.40
Bartholomew	1.41	Marion	1.40
Benton	1.38	Marshall	1.39
Blackford	1.41	Martin	1.41
Boone	1.40	Miami	1.40
Brown	1.40	Monroe	1.40
Carroll	1.39	Montgomery	1.39
Cass	1.39	Morgan	1.40
Clark	1.42	Newton	1.38
Clay	1.39	Noble	1.40
Clinton	1.40	Ohio	1.42
Crawford	1.42	Orange	1.41
Daviess	1.40	Owen	1.39
Dearborn	1.42	Parke	1.39
Decatur	1.41	Perry	1.42
De Kalb	1.41	Pike	1.41
Delaware	1.41	Porter	1.39
Dubois	1.41	Posey	1.41
Elkhart	1.40	Pulaski	1.39
Fayette	1.41	Putnam	1.40
Floyd	1.42	Randolph	1.41
Fountain	1.38	Ripley	1.41
Franklin	1.41	Rush	1.41
Fulton	1.39	St. Joseph	1.39
Gibson	1.40	Scott	1.42
Grant	1.40	Shelby	1.40
Greene	1.40	Spencer	1.42
Hamilton	1.40	Starke	1.39
Hancock	1.40	Steuben	1.41
Harrison	1.42	Sullivan	1.39
Hendricks	1.40	Switzerland	1.42
Henry	1.41	Tippecanoe	1.39
Howard	1.40	Tipton	1.40
Huntington	1.40	Union	1.41
Jackson	1.41	Vanderburgh	1.41
Jasper	1.38	Vermillion	1.38
Jay	1.41	Vigo	1.38
Jefferson	1.42	Wabash	1.40
Jennings	1.41	Warren	1.38
Johnson	1.40	Warrick	1.31
Knox	1.40	Washington	1.42
Kosciusko	1.40	Wayne	1.41
Lagrange	1.40	Wells	1.41
Lake	1.39	White	1.39
La Porte	1.39	Whitley	1.40

IOWA

Adair	1.33	Appanoose	1.35
Adams	1.33	Audubon	1.32
Allamakee	1.34	Benton	1.35

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Black Hawk	$1.34	Keokuk	$1.35
Boone	1.32	Kossuth	1.32
Bremer	1.33	Lee	1.37
Buchanan	1.34	Linn	1.35
Buena Vista	1.31	Louisa	1.36
Butler	1.33	Lucas	1.34
Calhoun	1.32	Lyon	1.31
Carroll	1.32	Madison	1.34
Cass	1.33	Mahaska	1.34
Cedar	1.36	Marion	1.34
Cerro Gordo	1.32	Marshall	1.33
Cherokee	1.32	Mills	1.33
Chickasaw	1.33	Mitchell	1.33
Clarke	1.34	Monona	1.32
Clay	1.32	Monroe	1.35
Clayton	1.34	Montgomery	1.33
Clinton	1.36	Muscatine	1.36
Crawford	1.32	O'Brien	1.31
Dallas	1.33	Osceola	1.31
Davis	1.36	Page	1.33
Decatur	1.34	Palo Alto	1.32
Delaware	1.35	Plymouth	1.33
Des Moines	1.37	Pocahontas	1.31
Dickinson	1.32	Polk	1.33
Dubuque	1.35	Pottawattamie	1.33
Emmet	1.32	Poweshiek	1.33
Fayette	1.34	Ringgold	1.33
Floyd	1.32	Sac	1.31
Franklin	1.33	Scott	1.36
Fremont	1.33	Shelby	1.32
Greene	1.32	Sioux	1.32
Grundy	1.33	Story	1.33
Guthrie	1.32	Tama	1.34
Hamilton	1.32	Taylor	1.33
Hancock	1.32	Union	1.33
Hardin	1.33	Van Buren	1.36
Harrison	1.33	Wapello	1.35
Henry	1.36	Warren	1.34
Howard	1.33	Washington	1.35
Humboldt	1.32	Wayne	1.34
Ida	1.31	Webster	1.32
Iowa	1.34	Winnebago	1.33
Jackson	1.36	Winneshiek	1.34
Jasper	1.33	Woodbury	1.32
Jefferson	1.35	Worth	1.33
Johnson	1.35	Wright	1.32
Jones	1.36		

KANSAS

Allen	1.37	Harvey	1.38
Anderson	1.37	Haskell	1.38
Atchison	1.35	Hodgeman	1.38
Barber	1.38	Jackson	1.34
Barton	1.38	Jefferson	1.35
Bourbon	1.37	Jewell	1.33
Brown	1.34	Johnson	1.36
Butler	1.38	Kearny	1.38
Chase	1.35	Kingman	1.38
Chautauqua	1.38	Kiowa	1.38
Cherokee	1.38	Labette	1.38
Cheyenne	1.35	Lane	1.38
Clark	1.38	Leavenworth	1.36
Clay	1.33	Lincoln	1.35
Cloud	1.33	Linn	1.37
Coffey	1.36	Logan	1.38
Comanche	1.38	Lyon	1.35
Cowley	1.38	McPherson	1.35
Crawford	1.38	Marion	1.35
Decatur	1.34	Marshall	1.33
Dickinson	1.34	Meade	1.38
Doniphan	1.34	Miami	1.37
Douglas	1.35	Mitchell	1.34
Edwards	1.38	Montgomery	1.38
Elk	1.38	Morris	1.35
Ellis	1.35	Morton	1.38
Ellsworth	1.35	Nemaha	1.34
Finney	1.38	Neosho	1.38
Ford	1.38	Ness	1.38
Franklin	1.36	Norton	1.34
Geary	1.34	Osage	1.35
Gove	1.38	Osborne	1.34
Graham	1.35	Ottawa	1.34
Grant	1.38	Pawnee	1.38
Gray	1.38	Phillips	1.33
Greeley	1.38	Pottawatomie	1.34
Greenwood	1.38	Pratt	1.38
Hamilton	1.38	Rawlins	1.35
Harper	1.38	Reno	1.38

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Republic	$1.32	Stafford	$1.38
Rice	1.38	Stanton	1.38
Riley	1.33	Stevens	1.38
Rooks	1.34	Sumner	1.38
Rush	1.38	Thomas	1.38
Russell	1.35	Trego	1.38
Saline	1.35	Wabaunsee	1.34
Scott	1.38	Wallace	1.38
Sedgwick	1.38	Washington	1.33
Seward	1.38	Wichita	1.38
Shawnee	1.34	Wilson	1.38
Sheridan	1.35	Woodson	1.38
Sherman	1.38	Wyandotte	1.36
Smith	1.33		

KENTUCKY

Adair	1.55	Larue	1.54
Allen	1.55	Laurel	1.58
Anderson	1.55	Lawrence	1.53
Ballard	1.46	Lee	1.58
Barren	1.55	Leslie	1.58
Beth	1.55	Letcher	1.58
Bell	1.53	Lewis	1.50
Boone	1.48	Lincoln	1.57
Bourbon	1.57	Livingston	1.46
Boyd	1.51	Logan	1.52
Boyle	1.57	Lyon	1.50
Bracken	1.50	McCracken	1.46
Breathitt	1.58	McCreary	1.57
Breckenridge	1.47	McLean	1.50
Bullitt	1.51	Madison	1.57
Butler	1.53	Magoffin	1.58
Caldwell	1.50	Marion	1.55
Calloway	1.49	Marshall	1.47
Campbell	1.48	Martin	1.57
Carlisle	1.46	Mason	1.50
Carroll	1.47	Meade	1.47
Carter	1.53	Menifee	1.57
Casey	1.57	Mercer	1.57
Christian	1.51	Metcalfe	1.55
Clark	1.57	Monroe	1.55
Clay	1.58	Montgomery	1.57
Clinton	1.57	Morgan	1.57
Crittenden	1.46	Muhlenberg	1.51
Cumberland	1.55	Nelson	1.54
Daviess	1.47	Nicholas	1.55
Edmonson	1.54	Ohio	1.51
Elliott	1.55	Oldham	1.47
Estill	1.58	Owen	1.51
Fayette	1.57	Owsley	1.58
Fleming	1.53	Pendleton	1.51
Floyd	1.58	Perry	1.58
Franklin	1.53	Pike	1.53
Fulton	1.46	Powell	1.58
Gallatin	1.47	Pulaski	1.57
Garrard	1.57	Robertson	1.53
Grant	1.52	Rockcastle	1.58
Graves	1.48	Rowan	1.55
Grayson	1.51	Russell	1.57
Green	1.55	Scott	1.55
Greenup	1.50	Shelby	1.51
Hancock	1.47	Simpson	1.54
Hardin	1.50	Spencer	1.54
Harlan	1.58	Taylor	1.55
Harrison	1.55	Todd	1.51
Hart	1.55	Trigg	1.51
Henderson	1.46	Trimble	1.47
Henry	1.51	Union	1.46
Hickman	1.46	Warren	1.54
Hopkins	1.50	Washington	1.55
Jackson	1.58	Wayne	1.57
Jefferson	1.47	Webster	1.48
Jessamine	1.57	Whitley	1.58
Johnson	1.57	Wolfe	1.58
Kenton	1.48	Woodford	1.55
Knott	1.58		
Knox	1.58		

LOUISIANA

All counties	1.54

MAINE

All counties	1.65

MASSACHUSETTS

All counties	1.65

MARYLAND

All counties	1.57

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.44	Keweenaw	$1.44
Alger	1.44	Lake	1.44
Allegan	1.42	Lapeer	1.44
Alpena	1.44	Leelanau	1.44
Antrim	1.44	Lenawee	1.44
Arenac	1.44	Livingston	1.44
Baraga	1.44	Luce	1.44
Barry	1.42	Mackinac	1.44
Bay	1.44	Macomb	1.44
Benzie	1.44	Manistee	1.44
Berrien	1.41	Marquette	1.44
Branch	1.42	Mason	1.44
Calhoun	1.42	Mecosta	1.44
Cass	1.41	Menominee	1.44
Charlevoix	1.44	Midland	1.44
Cheboygan	1.44	Missaukee	1.44
Chippewa	1.44	Monroe	1.44
Clare	1.44	Montcalm	1.44
Clinton	1.44	Montmorency	1.44
Crawford	1.44	Muskegon	1.44
Delta	1.44	Newaygo	1.44
Dickinson	1.44	Oakland	1.44
Eaton	1.44	Oceana	1.44
Emmet	1.44	Ogemaw	1.44
Genessee	1.44	Ontonagon	1.44
Gladwin	1.44	Osceola	1.44
Gogebic	1.44	Oscoda	1.44
Grand Traverse	1.44	Otsego	1.44
Gratiot	1.44	Ottawa	1.42
Hillsdale	1.42	Presque Isle	1.44
Houghton	1.44	Roscommon	1.44
Huron	1.44	Saginaw	1.44
Ingham	1.44	St. Clair	1.44
Ionia	1.44	St. Joseph	1.41
Iosco	1.44	Sanilac	1.44
Iron	1.44	Schoolcraft	1.44
Isabella	1.44	Shiawassee	1.44
Jackson	1.44	Tuscola	1.44
Kalamazoo	1.42	Van Buren	1.41
Kalkaska	1.44	Washtenaw	1.44
Kent	1.44	Wayne	1.44
		Wexford	1.44

MINNESOTA

Aitkin	1.34	Lyon	1.31
Anoka	1.34	McLeod	1.33
Becker	1.34	Mahnomen	1.34
Beltrami	1.34	Marshall	1.34
Benton	1.34	Martin	1.32
Big Stone	1.31	Meeker	1.32
Blue Earth	1.32	Mille Lacs	1.34
Brown	1.32	Morrison	1.34
Carlton	1.34	Mower	1.32
Carver	1.34	Murray	1.31
Cass	1.34	Nicollet	1.32
Chippewa	1.32	Nobles	1.30
Chisago	1.34	Norman	1.34
Clay	1.34	Olmsted	1.32
Clearwater	1.34	Otter Tail	1.34
Cook	1.34	Pennington	1.34
Cottonwood	1.32	Pine	1.34
Crow Wing	1.34	Pipestone	1.30
Dokota	1.34	Polk	1.34
Dodge	1.32	Pope	1.33
Douglas	1.33	Ramsey	1.34
Faribault	1.32	Red Lake	1.34
Fillmore	1.32	Redwood	1.32
Freeborn	1.32	Renville	1.32
Goodhue	1.32	Rice	1.33
Grant	1.33	Rock	1.30
Hennepin	1.34	Roseau	1.34
Houston	1.32	St. Louis	1.34
Hubbard	1.34	Scott	1.34
Isanti	1.34	Sherburne	1.34
Itasca	1.34	Sibley	1.32
Jackson	1.31	Stearns	1.33
Kanabec	1.34	Steele	1.32
Kandiyohi	1.32	Stevens	1.32
Kittson	1.34	Swift	1.32
Koochiching	1.32	Todd	1.34
Lac Qui Parle	1.31	Traverse	1.32
Lake	1.34	Wabasha	1.32
Lake of the Woods	1.34	Wadena	1.34
La Sueur	1.33	Waseca	1.32
Lincoln	1.31	Washington	1.34
		Watonwan	1.32
		Wilkin	1.34

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Winona	$1.32	Yellow Medicine	$1.31
Wright	1.33		

MISSISSIPPI

All counties	1.59

MISSOURI

Adair	1.36	Linn	1.36
Andrew	1.35	Livingston	1.35
Atchison	1.34	McDonald	1.42
Audrain	1.38	Macon	1.36
Barry	1.42	Madison	1.42
Barton	1.42	Maries	1.39
Bates	1.38	Marion	1.38
Benton	1.38	Mercer	1.34
Bollinger	1.42	Miller	1.39
Boone	1.38	Mississippi	1.42
Buchanan	1.35	Moniteau	1.39
Butler	1.42	Monroe	1.37
Caldwell	1.35	Montgomery	1.38
Callaway	1.38	Morgan	1.38
Camden	1.39	New Madrid	1.42
Cape Girardeau	1.42	Newton	1.42
Carroll	1.36	Nodaway	1.34
Carter	1.42	Oregon	1.42
Cass	1.37	Osage	1.39
Cedar	1.42	Ozark	1.42
Chariton	1.36	Pemiscot	1.42
Christian	1.42	Perry	1.42
Clark	1.37	Pettis	1.37
Clay	1.36	Phelps	1.42
Clinton	1.35	Pike	1.38
Cole	1.39	Platte	1.36
Cooper	1.38	Polk	1.42
Crawford	1.40	Pulaski	1.42
Dade	1.42	Putnam	1.35
Dallas	1.42	Ralls	1.38
Daviess	1.35	Randolph	1.37
De Kalb	1.35	Ray	1.36
Dent	1.42	Reynolds	1.42
Douglas	1.42	Ripley	1.42
Dunklin	1.42	St. Charles	1.40
Franklin	1.40	St. Clair	1.38
Gasconade	1.39	St. Francois	1.41
Gentry	1.34	St. Louis	1.40
Greene	1.42	Ste. Genevieve	1.41
Grundy	1.34	Saline	1.37
Harrison	1.34	Schuyler	1.36
Henry	1.38	Scotland	1.37
Hickory	1.38	Scott	1.42
Holt	1.34	Shannon	1.42
Howard	1.37	Shelby	1.37
Howell	1.42	Stoddard	1.42
Iron	1.42	Stone	1.42
Jackson	1.36	Sullivan	1.36
Jasper	1.42	Taney	1.42
Jefferson	1.41	Texas	1.42
Johnson	1.37	Vernon	1.38
Knox	1.37	Warren	1.39
Laclede	1.42	Washington	1.40
Lafayette	1.37	Wayne	1.42
Lawrence	1.42	Webster	1.42
Lewis	1.38	Worth	1.34
Lincoln	1.39	Wright	1.42

MONTANA

All counties	1.44

NEBRASKA

Adams	1.32	Colfax	1.32
Antelope	1.30	Cuming	1.31
Arthur	1.35	Custer	1.33
Banner	1.37	Dakota	1.32
Blaine	1.33	Dawes	1.37
Boone	1.30	Dawson	1.33
Box Butte	1.37	Deuel	1.36
Boyd	1.31	Dixon	1.32
Brown	1.33	Dodge	1.32
Buffalo	1.32	Douglas	1.33
Burt	1.32	Dundy	1.35
Butler	1.32	Fillmore	1.32
Cass	1.33	Franklin	1.32
Cedar	1.31	Frontier	1.34
Chase	1.35	Furnes	1.34
Cherry	1.34	Gage	1.34
Cheyenne	1.37	Garden	1.36
Clay	1.32	Garfield	1.31

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Gosper	$1.34	Otoe	$1.33
Grant	1.35	Pawnee	1.34
Greeley	1.31	Perkins	1.35
Hall	1.32	Phelps	1.33
Hamilton	1.31	Pierce	1.30
Harlan	1.33	Platte	1.31
Hayes	1.35	Polk	1.31
Hitchcock	1.35	Redwillow	1.34
Holt	1.31	Richardson	1.34
Hooker	1.34	Rock	1.32
Howard	1.32	Saline	1.33
Jefferson	1.33	Sarpy	1.33
Johnson	1.34	Saunders	1.32
Kearney	1.32	Scotts Bluff	1.37
Keith	1.35	Seward	1.32
Keya Paha	1.33	Sheridan	1.36
Kimball	1.37	Sherman	1.32
Knox	1.30	Sioux	1.37
Lancaster	1.32	Stanton	1.31
Lincoln	1.34	Thayer	1.32
Logan	1.34	Thomas	1.34
Loup	1.32	Thurston	1.31
McPherson	1.34	Valley	1.32
Madison	1.30	Washington	1.33
Merrick	1.31	Wayne	1.31
Morrill	1.37	Webster	1.32
Nance	1.31	Wheeler	1.31
Nemaha	1.34	York	1.31
Nuckolls	1.32		

NEVADA

All counties	1.63

NEW HAMPSHIRE

All counties	1.65

NEW JERSEY

All counties	1.57

NEW MEXICO

All counties	1.52

NEW YORK

All counties	1.61

NORTH CAROLINA

All counties	1.57

NORTH DAKOTA

Adams	1.33	McKenzie	1.33
Barnes	1.33	McLean	1.33
Benson	1.33	Mercer	1.33
Billings	1.33	Norton	1.33
Bottineau	1.33	Mountrail	1.33
Bowman	1.33	Nelson	1.33
Burke	1.33	Oliver	1.33
Burleigh	1.33	Pembina	1.33
Cass	1.33	Pierce	1.33
Cavalier	1.33	Ramsey	1.33
Dickey	1.31	Ransom	1.32
Divide	1.33	Renville	1.33
Dunn	1.33	Richland	1.31
Eddy	1.33	Rolette	1.33
Emmons	1.33	Sargent	1.31
Foster	1.33	Sheridan	1.33
Golden Valley	1.33	Sioux	1.33
Grand Forks	1.33	Slope	1.33
Grant	1.33	Stark	1.33
Griggs	1.33	Steele	1.33
Hettinger	1.33	Stutsman	1.33
Kidder	1.33	Towner	1.33
La Moure	1.33	Traill	1.33
Logan	1.33	Walsh	1.33
McHenry	1.33	Ward	1.33
McIntosh	1.33	Wells	1.33
		Williams	1.33

OHIO

Adams	1.44	Columbiana	1.48
Allen	1.42	Coshocton	1.46
Ashland	1.45	Crawford	1.44
Ashtabula	1.48	Cuyahoga	1.47
Athens	1.46	Darke	1.41
Auglaize	1.42	Defiance	1.41
Belmont	1.48	Delaware	1.44
Brown	1.44	Erie	1.45
Butler	1.42	Fairfield	1.45
Carroll	1.48	Fayette	1.43
Champaign	1.43	Franklin	1.44
Clark	1.43	Fulton	1.42
Clermont	1.43	Gallia	1.46
Clinton	1.43	Geauga	1.48

OHIO—Continued

Greene	$1.43	Morrow	$1.45
Guernsey	1.47	Muskingum	1.46
Hamilton	1.42	Noble	1.47
Hancock	1.43	Ottawa	1.44
Hardin	1.43	Paulding	1.41
Harrison	1.48	Perry	1.46
Henry	1.42	Pickaway	1.44
Highland	1.44	Pike	1.44
Hocking	1.45	Portage	1.48
Holmes	1.46	Preble	1.41
Huron	1.45	Putnam	1.42
Jackson	1.45	Richland	1.45
Jefferson	1.48	Ross	1.44
Knox	1.45	Sandusky	1.44
Lake	1.48	Scioto	1.44
Lawrence	1.45	Seneca	1.44
Licking	1.45	Shelby	1.42
Logan	1.43	Stark	1.47
Lorain	1.46	Summit	1.47
Lucas	1.43	Trumbull	1.48
Madison	1.44	Tuscarawas	1.47
Mahoning	1.48	Union	1.43
Marion	1.44	Van Wert	1.41
Medina	1.46	Vinton	1.45
Meigs	1.46	Warren	1.43
Mercer	1.41	Washington	1.47
Miami	1.42	Wayne	1.46
Monroe	1.48	Williams	1.41
Montgomery	1.42	Wood	1.43
Morgan	1.46	Wyandot	1.44

OKLAHOMA

Adair	1.45	Le Flore	1.45
Alfalfa	1.41	Lincoln	1.43
Atoka	1.44	Logan	1.42
Beaver	1.41	Love	1.43
Beckham	1.41	McClain	1.43
Blaine	1.41	McCurtain	1.45
Bryan	1.44	McIntosh	1.45
Caddo	1.41	Major	1.41
Canadian	1.41	Marshall	1.44
Carter	1.43	Mayes	1.44
Cherokee	1.45	Murray	1.43
Choctaw	1.45	Muskogee	1.45
Cimarron	1.41	Noble	1.42
Cleveland	1.42	Nowata	1.43
Coal	1.44	Okfuskee	1.44
Comanche	1.41	Oklahoma	1.42
Cotton	1.41	Okmulgee	1.44
Craig	1.43	Osage	1.43
Creek	1.43	Ottawa	1.44
Custer	1.41	Pawnee	1.43
Delaware	1.45	Payne	1.43
Dewey	1.41	Pittsburg	1.45
Ellis	1.41	Pontotoc	1.43
Garfield	1.41	Pottawatomie	1.43
Garvin	1.43	Pushmataha	1.45
Grady	1.42	Roger Mills	1.41
Grant	1.41	Rogers	1.44
Greer	1.41	Seminole	1.44
Harmon	1.41	Sequoyah	1.45
Harper	1.41	Stephens	1.42
Haskell	1.45	Texas	1.41
Hughes	1.44	Tillman	1.41
Jackson	1.41	Tulsa	1.44
Jefferson	1.42	Wagoner	1.45
Johnston	1.44	Washington	1.43
Kay	1.42	Washita	1.41
Kingfisher	1.41	Woods	1.41
Kiowa	1.41	Woodward	1.41
Latimer	1.45		

OREGON

All counties	1.60

PENNSYLVANIA

All counties	1.56

RHODE ISLAND

All counties	1.65

SOUTH CAROLINA

All counties	1.57

SOUTH DAKOTA

Armstrong	1.33	Brown	1.32
Aurora	1.30	Brule	1.31
Beadle	1.29	Buffalo	1.31
Bennett	1.33	Butte	1.35
Bon Homme	1.29	Campbell	1.33
Brookings	1.30	Charles Mix	1.31

SOUTH DAKOTA—Continued

Clark	$1.31	Lincoln	$1.30
Clay	1.30	Lyman	1.32
Codington	1.31	McCook	1.29
Corson	1.34	McPherson	1.33
Custer	1.35	Marshall	1.32
Davison	1.29	Meade	1.34
Day	1.32	Mellette	1.32
Deuel	1.31	Miner	1.29
Dewey	1.34	Minnehaha	1.29
Douglas	1.30	Moody	1.30
Edmunds	1.32	Pennington	1.34
Fall River	1.35	Perkins	1.34
Faulk	1.32	Potter	1.33
Grant	1.31	Roberts	1.32
Gregory	1.31	Sanborn	1.29
Haakon	1.33	Shannon	1.34
Hamlin	1.31	Spink	1.31
Hand	1.30	Stanley	1.33
Hanson	1.29	Sully	1.32
Harding	1.35	Todd	1.32
Hughes	1.32	Tripp	1.32
Hutchinson	1.29	Turner	1.29
Hyde	1.31	Union	1.31
Jackson	1.33	Walworth	1.33
Jerauld	1.30	Washabaugh	1.33
Jones	1.33	Washington	1.34
Kingsbury	1.30	Yankton	1.29
Lake	1.30	Ziebach	1.34
Lawrence	1.35		

TENNESSEE

Anderson	1.57	Lauderdale	1.48
Bedford	1.55	Lawrence	1.54
Benton	1.51	Lewis	1.52
Bledsoe	1.56	Lincoln	1.56
Blount	1.59	Loudon	1.58
Bradley	1.58	McMinn	1.58
Campbell	1.57	McNairy	1.51
Cannon	1.55	Macon	1.55
Carroll	1.49	Madison	1.49
Carter	1.59	Marion	1.57
Cheatham	1.51	Marshall	1.54
Chester	1.50	Maury	1.53
Claiborne	1.58	Meigs	1.58
Clay	1.55	Monroe	1.59
Cocke	1.59	Montgomery	1.51
Coffee	1.56	Moore	1.56
Crockett	1.49	Morgan	1.57
Cumberland	1.56	Obion	1.47
Davidson	1.52	Overton	1.55
Decatur	1.51	Perry	1.51
De Kalb	1.55	Pickett	1.55
Dickson	1.51	Polk	1.59
Dyer	1.48	Putnam	1.55
Fayette	1.49	Rhea	1.57
Fentress	1.56	Roane	1.57
Franklin	1.57	Robertson	1.52
Gibson	1.48	Rutherford	1.54
Giles	1.55	Scott	1.57
Grainger	1.58	Sequatchie	1.57
Greene	1.59	Sevier	1.59
Grundy	1.56	Shelby	1.49
Hamblen	1.58	Smith	1.55
Hamilton	1.58	Stewart	1.51
Hancock	1.58	Sullivan	1.59
Hardeman	1.50	Sumner	1.54
Hardin	1.52	Tipton	1.48
Hawkins	1.58	Trousdale	1.54
Haywood	1.49	Unicoi	1.59
Henderson	1.50	Union	1.58
Henry	1.49	Van Buren	1.56
Hickman	1.51	Warren	1.55
Houston	1.51	Washington	1.59
Humphreys	1.51	Wayne	1.53
Jackson	1.55	Weakley	1.48
Jefferson	1.58	White	1.55
Johnson	1.59	Williamson	1.53
Knox	1.58	Wilson	1.54
Lake	1.46		

TEXAS

Anderson	1.42	Austin	1.44
Andrews	1.41	Bailey	1.41
Angelina	1.44	Bandera	1.44
Aransas	1.45	Bastrop	1.44
Archer	1.42	Baylor	1.42
Armstrong	1.41	Bee	1.45
Atascosa	1.45	Bell	1.42

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Bexar	$1.45	Henderson	$1.42
Blanco	1.44	Hidalgo	1.45
Borden	1.41	Hill	1.42
Bosque	1.42	Hockley	1.41
Bowie	1.45	Hood	1.42
Brazoria	1.45	Hopkins	1.42
Brazos	1.42	Houston	1.44
Briscoe	1.41	Howard	1.41
Brooks	1.45	Hudspeth	1.45
Brown	1.42	Hunt	1.42
Burleson	1.44	Hutchinson	1.41
Burnet	1.42	Irion	1.45
Caldwell	1.44	Jack	1.42
Calhoun	1.45	Jackson	1.45
Callahan	1.42	Jasper	1.45
Cameron	1.45	Jefferson	1.45
Camp	1.44	Jim Hogg	1.45
Carson	1.41	Jim Wells	1.45
Cass	1.45	Johnson	1.42
Castro	1.41	Jones	1.42
Chambers	1.45	Karnes	1.45
Cherokee	1.42	Kaufman	1.42
Childress	1.41	Kendall	1.44
Clay	1.42	Kent	1.41
Cochran	1.41	Kerr	1.44
Coke	1.42	Kimble	1.44
Coleman	1.42	King	1.41
Collin	1.42	Kinney	1.45
Collingsworth	1.41	Kleberg	1.45
Colorado	1.45	Knox	1.42
Comal	1.44	Lamar	1.42
Comanche	1.42	Lamb	1.41
Concho	1.44	Lampasas	1.42
Cooke	1.42	LaSalle	1.45
Coryell	1.42	Lavaca	1.45
Cottle	1.41	Lee	1.44
Crosby	1.41	Leon	1.44
Dallam	1.41	Liberty	1.45
Dallas	1.42	Limestone	1.42
Dawson	1.41	Lipscomb	1.41
Deaf Smith	1.41	Live Oak	1.45
Delta	1.42	Llano	1.44
Denton	1.42	Lubbock	1.41
De Witt	1.45	Lynn	1.41
Dickens	1.41	McCulloch	1.44
Dimmit	1.45	McLennan	1.42
Donley	1.41	McMullen	1.45
Duval	1.45	Madison	1.44
Eastland	1.42	Marion	1.45
Edwards	1.45	Martin	1.41
Ellis	1.42	Mason	1.44
El Paso	1.45	Matagorda	1.45
Erath	1.42	Maverick	1.45
Falls	1.42	Medina	1.45
Fannin	1.42	Menard	1.44
Fayette	1.44	Midland	1.45
Fisher	1.42	Milam	1.42
Floyd	1.41	Mills	1.42
Foard	1.41	Mitchell	1.41
Fort Bend	1.45	Montague	1.42
Franklin	1.42	Montgomery	1.44
Freestone	1.42	Moore	1.41
Frio	1.45	Morris	1.44
Gaines	1.41	Motley	1.41
Galveston	1.45	Nacogdoches	1.44
Garza	1.41	Navarro	1.42
Gillespie	1.44	Newton	1.45
Goliad	1.45	Nolan	1.41
Gonzales	1.45	Nueces	1.45
Gray	1.41	Ochiltree	1.41
Grayson	1.42	Oldham	1.41
Gregg	1.44	Orange	1.45
Grimes	1.44	Palo Pinto	1.42
Guadalupe	1.45	Panola	1.45
Hale	1.41	Parker	1.42
Hall	1.41	Parmer	1.41
Hamilton	1.42	Pecos	1.45
Hansford	1.41	Polk	1.45
Hardeman	1.41	Potter	1.41
Hardin	1.45	Presidio	1.45
Harris	1.45	Rains	1.42
Harrison	1.45	Randall	1.41
Hartley	1.41	Real	1.45
Haskell	1.42	Red River	1.44
Hays	1.44	Reeves	1.45
Hemphill	1.41	Refugio	1.45

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Roberts	$1.41	Tom Green	$1.45
Robertson	1.44	Travis	1.44
Rockwall	1.42	Trinity	1.44
Runnels	1.42	Tyler	1.45
Rusk	1.44	Upshur	1.44
Sabine	1.45	Uvalde	1.45
San Augustine	1.45	Val Verde	1.45
San Jacinto	1.45	Van Zandt	1.42
San Patricio	1.45	Victoria	1.45
San Saba	1.42	Walker	1.44
Schleicher	1.45	Waller	1.45
Scurry	1.41	Washington	1.44
Shackelford	1.42	Webb	1.45
Shelby	1.45	Wharton	1.45
Sherman	1.41	Wheeler	1.41
Smith	1.42	Wichita	1.41
Somervell	1.42	Wilbarger	1.41
Starr	1.45	Willacy	1.45
Stephens	1.42	Williamson	1.42
Stonewall	1.41	Wilson	1.45
Sutton	1.45	Wise	1.42
Swisher	1.41	Wood	1.42
Tarrant	1.42	Yoakum	1.41
Taylor	1.42	Young	1.42
Terry	1.41	Zapata	1.45
Throckmorton	1.42	Zavala	1.45
Titus	1.44		

UTAH

All counties	1.59

VERMONT

All counties	1.65

VIRGINIA

All counties	1.57

WASHINGTON

All counties	1.57

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	1.58	Mineral	1.58
Berkeley	1.58	Mingo	1.58
Boone	1.58	Monongalia	1.58
Braxton	1.58	Monroe	1.58
Brooke	1.53	Morgan	1.58
Cabell	1.51	Nicholas	1.58
Calhoun	1.58	Ohio	1.53
Clay	1.58	Pendleton	1.58
Doddridge	1.58	Pleasants	1.52
Fayette	1.58	Pocahontas	1.58
Gilmer	1.58	Preston	1.58
Grant	1.58	Putnam	1.54
Greenbrier	1.58	Raleigh	1.58
Hampshire	1.58	Randolph	1.58
Hancock	1.53	Ritchie	1.58
Hardy	1.58	Roane	1.58
Harrison	1.58	Summers	1.58
Jackson	1.52	Taylor	1.53
Jefferson	1.58	Tucker	1.58
Kanawha	1.58	Tyler	1.53
Lewis	1.58	Upshur	1.58
Lincoln	1.56	Wayne	1.54
Logan	1.53	Webster	1.58
McDowell	1.58	Wetzel	1.53
Marion	1.58	Wirt	1.58
Marshall	1.53	Wood	1.52
Mason	1.51	Wyoming	1.58
Mercer	1.58		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	1.38	Eau Claire	1.36
Ashland	1.38	Florence	1.38
Barron	1.38	Fond du Lac	1.38
Bayfield	1.38	Forest	1.38
Brown	1.38	Grant	1.35
Buffalo	1.35	Green	1.38
Burnett	1.38	Green Lake	1.38
Calumet	1.38	Iowa	1.36
Chippewa	1.36	Iron	1.38
Clark	1.38	Jackson	1.36
Columbia	1.38	Jefferson	1.38
Crawford	1.35	Juneau	1.38
Dane	1.38	Kenosha	1.38
Dodge	1.38	Kewaunee	1.38
Door	1.38	La Crosse	1.35
Douglas	1.38	Lafayette	1.36
Dunn	1.36	Langlade	1.38

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$1.38	Rusk	$1.38
Manitowoc	1.38	St. Croix	1.36
Marathon	1.38	Sauk	1.38
Marinette	1.38	Sawyer	1.38
Marquette	1.38	Shawano	1.38
Milwaukee	1.38	Sheboygan	1.38
Monroe	1.36	Taylor	1.38
Oconto	1.38	Trempealeau	1.35
Oneida	1.38	Vernon	1.35
Outagamie	1.38	Vilas	1.38
Ozaukee	1.38	Walworth	1.38
Pepin	1.35	Washburn	1.38
Pierce	1.35	Washington	1.38
Polk	1.38	Waukesha	1.38
Portage	1.38	Waupaca	1.38
Price	1.38	Waushara	1.38
Racine	1.38	Winnebago	1.38
Richland	1.35	Wood	1.38
Rock	1.38		

WYOMING

All counties	1.37

The support rate for corn in farm-storage or warehouse storage (terminal, subterminal or country) will be the rate established for the county in which the corn is stored, or if delivered under a purchase agreement, the support rate established for the approved point of delivery, except that the support rate for corn in Baltimore, Maryland, shall be the support rate established for all counties in Maryland and the support rate for corn in St. Louis, Missouri, shall be the support rate established for St. Louis County, Missouri. No adjustment will be made from the support rate for freight paid in case of rail movement.

Issued this 7th day of October 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-8174; Filed, Oct. 11, 1949; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Pursuant to the requirements of § 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), approved June 11, 1946, notice of proposed salable, surplus, and withholding percentages of merchantable walnuts for the marketing year beginning August 1, 1949, was published in the FEDERAL REGISTER (14 F. R. 5784) issue of September 22, 1949. Such percentages are fixed in accordance with the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR 984.1 et seq.), effective under the Agricultural

Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested parties to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, South Building, Washington, D. C., written data, views, or arguments for consideration prior to the final issuance of such salable, surplus, and withholding percentages. The time for filing such written data, views, or arguments has now expired.

In the aforementioned notice, economic data and estimations were set forth which supported the proposed salable, surplus, and withholding percentages of 70, 30 and 43 respectively. Subsequent reports received from the Walnut Control Board, the administrative agency for operations under this program, confirm and substantiate the desirability of those percentages set forth in the proposed rule. Consideration has been given to such subsequent reports, recommendations and other pertinent data, and it is concluded that the rule as set forth in the notice of hearing should be adopted. Wherefore, the salable, surplus and withholding percentages for merchantable walnuts during the marketing year beginning August 1, 1949, are hereby fixed as follows:

§ 984.201 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1949–50 marketing year.* For merchantable walnuts, during the marketing year beginning August 1, 1949, the salable percentage shall be 70 percent, the surplus percentage shall be 30 percent, and the withholding percentage shall be 43 percent.

It is hereby further found that it is necessary to make effective not later than the date of publication of this document in the FEDERAL REGISTER these salable, surplus, and withholding percentages with respect to merchantable walnuts for the reason that shipment of the current crop of such walnuts has already begun, and it is necessary to have these percentages fixed as near the beginning of the marketing year as is practicable in order to regulate such shipments effectively. No preparation for this regulation is required which cannot be completed prior to this effective date. Therefore, good cause exists for not delaying the effective date of these regulatory requirements beyond the date of publication of this document in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 7th day of October 1949, to become effective at 12:01 a. m., P. s. t., on the date of publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49–8156; Filed, Oct. 11, 1949; 8:47 a. m.]

[Pecan Reg. 1]

PART 994—HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

EFFECTIVE DATE OF INITIAL GRADE AND SIZE REGULATIONS

Findings. (1) Pursuant to Marketing Agreement No. 111 and Order No. 94 (14 F. R. 5737, 5865), regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Pecan Administrative Committee, established under the aforesaid marketing agreement and order, and other available information (including the recommendations of the Handlers Advisory Council, also established under such marketing agreement and order), it is hereby found that the specification of October 20, 1949, as the effective date of the initial grade and size regulations, that are set forth in § 994.4 (c) of said marketing agreement and order, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of the aforesaid initial grade and size regulations until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which the provisions hereof are based became available and the time when such provisions must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the aforesaid initial grade and size regulations effective not later than October 20, 1949. At the initial meetings, held on September 28 and 29, 1949, of the Pecan Administrative Committee and the Handlers Advisory Council, October 20, 1949, was recommended as the earliest effective date of the aforesaid initial grade and size regulations; and the recommendations and supporting information were thereafter promptly submitted to the Department. Shipments of unshelled pecans of the current crop are expected to begin on or about October 20, 1949, and increase in volume almost immediately thereafter; and it is necessary, in order to effectuate the declared policy of the act, so to fix the aforesaid effective time as to make the initial grade and size regulations applicable to such volume shipments. October 20, 1949, is the earliest date by which the Committee could reasonably be expected to complete its present preparations in order adequately to perform its functions under the program; and such action should be concluded prior to the effective date of the initial grade and size regulations. Compliance on and after October 20, 1949, with the provisions of the aforesaid regulations will not require of handlers any special preparation therefor which cannot be completed by such date.

Order. The following provisions of § 994.4 (c) of the marketing agreement and order (7 CFR, Part 994, 14 F. R. 5737, 5865) shall become effective at 12:01 a. m., e. s. t., October 20, 1949: "no person shall handle, except as provided in § 994.4 (e), any unshelled pecans (1) unless such pecans meet the requirements of the U. S. Commercial grade, as such grade is defined in the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608), and (2) unless they have a count, per pound, of less than 91 nuts, and the 10 smallest nuts in a representative 100-nut sample weigh at least 1.5 ounces."

All terms used herein shall have the same meaning as when used in said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 994; 14 F. R. 5737, 5865)

Done at Washington, D. C. this 7th day of October 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 49–8155; Filed, Oct. 11, 1949; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 45]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

EXPORTATIONS REQUIRING LICENSE AND APPLICATIONS FOR LICENSES

1. Section 372.1 *Applicability and general provisions* is amended in the following particulars:

Paragraph (c) *Exportations requiring license* is amended to read as follows:

(c) *Exportations requiring license.* The commodities included on the Positive List of Commodities (§ 399.1 of this chapter) may not be exported to foreign destinations other than Canada (including Newfoundland and Labrador) except pursuant to general, individual, or other type of license granted or issued upon application or established by the Department of Commerce.

No exportation of any commodity (R or RO) included on the Positive List of Commodities may be made to any destination in Country Group R, as listed in § 371.3 (a), of this chapter and no exportation of any RO Commodity may be made to any destination in Country Group O, unless and until a validated license therefor has been granted or issued upon application by the Department of Commerce, except where authorized by the provisions of an established general license as set forth in Part 371 of this

chapter or under other provisions permitting the exportation without license.

2. Section 372.2 *Applications for licenses* is amended to read as follows:

§ 372.2 *Applications for licenses*—(a) *Who may apply.* License applications may be made by any person subject to the jurisdiction of the United States, who is in fact the exporter, or by his duly authorized agent.

NOTE: Applications may be made by a corporation, a partnership, or an individual who is in fact the exporter. No application of any person not subject to the jurisdiction of the United States will be considered unless such application is made on his behalf by an authorized agent in the United States. Any attempt to export commodities differing in any way from those licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license.

INTERPRETIVE STATEMENT REGARDING APPLICANTS, LICENSEES, AND PARTIES

PARTIES IN INTEREST

The policies of export control require the fullest disclosure by the applicant of all parties in interest in order that decisions on applications may be made with the fullest knowledge of all relevant facts and that the identity and whereabouts of the persons who know most about the transaction may be easily ascertained in the event of inquiry.

Applications for Licenses

There must be shown in applications for licenses all parties who are concerned in the proposed exportation, participating on their own account—the licensee as exporter, the ultimate consignee as the person in the country of ultimate destination who is to receive the exportation for the designated end use, the intermediate consignee as the person who receives the commodities for delivery to the ultimate consignee, and the purchaser as the person abroad who has entered into the export transaction with the applicant to purchase the articles or materials for delivery to the ultimate consignee. The true parties in interest as known to the applicant must be disclosed.

It is realized that there may be cases in which more than one person in a transaction may fairly be described as being a principal. However, in such cases, the application should be accompanied by a statement giving the names and addresses of such other persons and their roles in the transaction in question. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant should disclose the names of all and the functions to be performed by each. For this purpose, a separate statement attached to the application will be acceptable.

The note following § 372.7 contains detailed instructions for preparing applications for licenses (Form IT–419), including provisions for identifying the persons participating in a transaction.

(1) *Applicant; licensee.* The applicant for a license should be that person who, as the principal party in interest in the transaction of exportation, has the power and responsibility to determine and control the sending of the goods out of the country and is thus in reality the exporter. For this purpose, it is the identity of the applicant, and his role in the transaction, and not the terms of sale, in which the Office of International Trade is primarily concerned. If, in a given transaction, he has the responsibility for effecting exportation, such person is a proper applicant; if, on the other hand, he does not assume such responsibility, he is not a proper applicant.

If the seller intends to leave the responsibility for effecting exportation in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, he should not apply for the license or appear as exporter; but, in such case, the forwarding or purchasing agent should appear as applicant and exporter unless the foreign importer himself is subject to the jurisdiction of the United States at the time of exportation, in which case the latter should apply for the license in his own name. If any forwarding or purchasing agent applies for a license, he must disclose the name of his principal.

(2) *Ultimate consignee.* The person located abroad who is the true party in interest in actually receiving the exportation for the designated end use must be named as the ultimate consignee. In all cases, the address of the ultimate consignee must be in the country of destination specified for the proposed exportation. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as the ultimate consignee.

(3) *Intermediate consignee.* The bank, forwarding agent, or other intermediary (if any) who participates in a foreign country as an agent for the exporter, the purchaser or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee must be named as intermediate consignee on the application, if known, and in any event on the shipper's export declaration before clearance of the shipment.

(4) *Purchaser.* The person abroad who has entered into the export transaction with the applicant to purchase the articles or materials for delivery to the ultimate consignee must be named as the purchaser. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as the purchaser.

Responsibility of Licensee

Any person obtaining a license thereby assumes responsibility for actually effecting the exportation, for proper use of the license, and for due performance of all of its terms and conditions. Ordinarily, therefore, a seller who delivers commodities in this country to a foreign buyer or to the latter's forwarder or other agent would not be in a position to assume such responsibility and so would not be a proper applicant.

This would normally be the situation where the sale is made f. o. b. factory, although it is recognized that such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the exportation.

Legal Liability for Violations

Insofar as legal liability for any violation of the export control law and regulations is concerned, every person who in any capacity participates in fact in an exportation knowing it to be unauthorized may be held to account, whether or not he appears as the formal applicant for the export license. In any given transaction, for example, whoever, whether acting as principal (seller or buyer) or as agent for the seller or buyer, such as a freight forwarder, purchasing agent for a foreign buyer, broker, or any employee of such persons, knowingly facilitates an unlawful exportation may be held accountable as though he were the exporter.

(b) *Separate applications for each commodity.* A separate and complete application must be submitted for each commodity to each consignee in each country of destination except as otherwise specifically provided by the other provisions of Parts 370 to 399 of this chapter.

(c) *Single applications for related commodities.* (1) A single application for an individual license may include a group of related commodities. Related commodities are commodities which have the same processing code symbol and the same number following such symbol on the Positive List of Commodities (§ 399.1 of this chapter). Unless the processing code symbol is followed by a number, the commodity is excluded from any related commodity grouping.

(2) RO commodities may not be included on the same application with R commodities.

(3) The application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole, and either approved or rejected in its entirety.

(4) Additional sheets listing related commodities must be attached securely to the application form.

(d) *Applications; general provisions.* The following general provisions shall govern all applications for export licenses:

The applicant must state, among other things, for each item listed, (1) the quantity to be shipped, (2) a description in sufficient detail to permit accurate identification, including its Schedule B number and (3) the total selling price of the item and its price per unit. (For full details on filling out export license applications, see § 372.7 and following note.)

NOTE: Applications for licenses to export RO commodities appearing on the Positive List must show the appropriate processing code for each commodity listed, followed by a dash and the letters "RO". Applications for licenses to export R commodities must show the appropriate processing code for each commodity listed, followed by a dash and the letter "R".

(e) *Partial or periodic shipments.* Where partial or periodic shipments of an identical commodity are to be made by the applicant to the same consignee in a foreign country, an application may be filed covering the entire quantity of commodities to be so exported.

(f) *Second applications.* A second application covering the same proposed exportation shall not be submitted pending action on the first application.

NOTE: When an application has been returned without action to the applicant and is being resubmitted, a new application should not be filled out unless the necessary alterations on the old application would be too difficult to make or illegible. In those instances where a new application is submitted, the original OIT case number should be typed or written in ink on the new application in item 4 (b) of Form IT–419. When a new application is submitted, the original application must be attached to the new application.

When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective September 30, 1949.

Dated: September 28, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-8163; Filed, Oct. 11, 1949; 8:48 a. m.]

[4 Gen. Rev. of Export Regs., Amdt. 46]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

FILING OF APPLICATION FOR EXPORT LICENSE

Part 372, Provisions for Individual and Other Validated Licenses, is amended in the following particulars:

Section 372.7 *How to file an application for export license,* including the note following this section, is amended to read as follows:

§ 372.7 *How to file an application for export license.* Application for a license shall be made on the form or forms and in the manner prescribed by the Department of Commerce. All terms, conditions provisions, and instructions, including the applicant's certificate, contained in such form or forms are hereby incorporated as a part of the regulations in Parts 370 to 399 of this chapter. The return post card furnished with each application must be filled in and submitted to the Department of Commerce with the application.

NOTE. 1. Application forms. Applications for validated licenses must be submitted on Form IT-419 (revised August 1949), Application for Export License, accompanied by Form IT-116 (revised August 1949), Acknowledgment Card. An application is incomplete and will be returned to the applicant unless accompanied by the acknowledgment card.

Application forms IT-419 and IT-116 may be obtained from the Office of International Trade, Washington 25, D. C., and from all field offices of the Department of Commerce.

Exporters may print facsimiles of Form IT-419 with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, ink color, and typographic arrangement.

2. Preparation of Form IT-419. The following instructions apply to the preparation of applications for all types of validated export licenses issued by the Department of Commerce, except as modified by special licensing procedures and provisions contained in Parts 372 through 377 of this chapter. (The half-title pages to these parts, as well as the index, should be consulted for information relative to special licensing procedures and provisions.)

A separate application must be filed for each entry on the Positive List, except when two or more entries have the same processing code and related commodity group number. (See § 372.2 (b) and (c).)

Applications should be typewritten, but will be accepted if written legibly in ink.

Only the original (green ink) copy need be submitted. The duplicate (applicant's file copy) may be retained by the applicant.

Item 1: Name of applicant (Exporter). Enter the name and address of the corporation, partnership, or individual who is in fact the exporter. The name of an agent for the applicant may not be shown except when the exporter in fact is not subject to the jurisdiction of the United States and the application is being filed in his behalf by his authorized agent in the United States. (See § 372.2 (a).)

Item 2: Date of application. Enter the date of the application.

Item 3: Country of ultimate destination. The country of final destination is to be entered, not a country through which the exportation may travel in transit to its final destination. This destination must be the same as that shown as the address of the ultimate consignee in Item 8 (a). (See § 372.2 (a) and §§ 381.1 (b), 381.4 of this chapter.)

Item 4 (a): Applicant's reference number. This item is for applicant's use for identifying the application and material concerning it in his files. If a reference number is used, it should appear on Form IT-116 and all documents which accompany the application. If applicant has no reference number, he may leave this space blank.

Item 4 (b): Previous OIT case number. This item should be answered only when a previous application covering the same transaction has been returned without action or rejected, and a new application form is being submitted. (See § 372.2 (f) and § 383.1 (f) of this chapter.)

Item 5: Import license or authorization number. Answer this item only when specifically required by current regulations. (See index for commodity and destination named in application.)

Item 6: ECA authorization. If the exportation is to be made under the European Recovery Program, enter the number and symbol of the procurement or loan authorization under which foreign purchaser is importing. If such number and symbol are unknown or not assigned at the time application is filed, state "unknown," or "not yet assigned."

Item 7: Name of principal. If the applicant named in Item 1 is acting as an agent for the true exporter who is not subject to the jurisdiction of the United States, enter the name and address of the principal for whose account the exportation is to be made.

Describe the facts of the case, using a separate sheet if more space is necessary. (See § 372.2 (a).)

Item 8 (a): Ultimate consignee in foreign country. Enter the name and address of the firm or person who is actually to receive the articles or materials for the end use set forth in Item 10. If such firm or person is not also the purchaser, the name of the purchaser should not be entered in this space but should appear in Item 8 (c). The address shown for the ultimate consignee must be the same country as the final destination (Item 3). Do not enter the name of a forwarding agent, freight forwarder, or other intermediate consignee in this space. (See § 372.2 (a).)

Item 8 (b): Intermediate consignee in foreign country. Enter the name and address of the bank, forwarding agent, freight forwarder, or other intermediary, if any, in a foreign country who is to act as an agent of either the exporter, the ultimate consignee, or the purchaser, in effecting delivery of the exportation to the ultimate consignee. If no intermediary is to be used, applicant should state "none"; or if same as ultimate consignee, "same." If an intermediate consignee will be used but is unknown at the time the application is filed, state "unknown." (If, after a license is granted, an intermediate consignee is used, his name and address must be disclosed on the shipper's export declaration before shipment is made.) (See § 372.2 (a).)

Item 8 (c): Purchaser in foreign country. Enter the name and address of the firm or person abroad who has entered into the transaction with the applicant to purchase the articles or materials for delivery to the ultimate consignee. If such firm or person is the same as the ultimate consignee, state "same." (See § 372.2 (a).)

Item 9 (a): Quantity to be shipped. Enter the total number of units of the material to be exported, using the unit of quantity shown in the Positive List of Commodities (§ 399.1 of this chapter), and also in trade units, where different; where no unit of quantity is shown, show the unit commonly used in the trade. (Variations in the net quantity specified are permitted only within the tolerance limits described in § 372.5.)

Item 9 (b): Commodity description. Describe the articles or materials in terms which correspond with the commodity descriptions shown for them in Schedule B. Furnish additional details to the extent necessary for identification of the specific items classified under a particular Schedule B number on the Positive List. (Include composition, type, size, gauge, grade, horsepower, etc., where applicable; show brand or trade names, catalog numbers, or other trade characteristics which will aid in exact identification of the commodities.) If there are reasons or specifications which make the commodities unusable or unsalable in the United States, so state.

The foregoing general provisions regarding commodity descriptions are modified and supplemented by special provisions governing applications covering certain stated commodities. (See Part 373 of this chapter.)

Item 9 (c): Schedule B number, processing code, and related commodity group. Enter the Schedule B number for each commodity, as shown on the Positive List of Commodities; also the processing code and related commodity group number (the numeral following the processing code), if any. (The processing code (and related commodity group number, if any) should be followed by a dash and the letters "RO" if the commodity to be exported is an "RO" commodity; if an "R" commodity, the letter "R" should be shown. A separate application must be filed for each entry on the Positive List except for two or more entries having the same processing code and related commodity group number (See § 372.2 (b) and (c); also § 399.1, General Notes to Appendix A, paragraph (f) of this chapter.)

Item 9 (d): Selling price and point of delivery. Enter the total price to be received for each commodity shown on the application, specifying the particular form of quotation, such as f. o. b. (factory, f. a. s. (named port)), etc., and naming the point of delivery. The unit price should also be shown except where a large variety of products within a single Schedule B classification makes the break-down impracticable. In such cases, only the total price need be shown, but the applicant must be prepared, upon request of the Office of International Trade, to submit a detailed statement of unit selling prices.

For applications covering certain RO commodities on the Positive List, the price stated must be the export contract price, and the point of delivery must be clearly indicated. Where normal trade practices for a given commodity make it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated. Do not use general statements such as "market price at time or delivery or shipment." (See § 373.1 (a) of this chapter.)

Item 10: End use. Intended end use, an important factor in determining issuance of a license, must be fully and explicitly set forth in this item. Select from the following general statements of end use the one(s) which apply to the proposed exportation, entering in Item 10 the letter(s) which correspond with the statement(s):

(a) For purchaser's own use.

(b) For resale in the open market or for conversion into goods to be so marketed, stating what will be produced or manufactured.

(c) For a service to be rendered, indicating how the item(s) described will be used in the service.

(d) For new construction or expansion.

(e) For maintenance, repair, or operation of existing facilities.

(f) To enable the purchaser to produce and export needed materials.

(g) To be reexported, and, if so, to what country.

(h) To fill a specific need endorsed as of high priority by the government of the receiving country, stating the need and the nature of the endorsement.

(i) Other (specify).

The general statement(s) corresponding with the letters entered in Item 10 should be supplemented with a detailed description of the specific use of the proposed exportation and its ultimate significance in the economy of the country of destination. The applicant should state what will be produced or manufactured, the nature of the service to be rendered, and the urgency of the need of the materials to be exported in accomplishing the stated purpose. The particular industry, mine, shipyard, etc., where the end use will be accomplished should be identified.

Item 11: Availability of material to be exported. Only applicable parts of Item 11 need be answered. For example, a producer or manufacturer of the materials to be exported need answer only part (a). A nonproducer should answer such parts of this item as will indicate the exact status of his procurement of the commodities to be exported, giving the name of his supplier and the approximate delivery date. Licenses to export certain commodities will be granted only when answers to this item indicate that the commodities are actually available to the applicant from the named supplier within the date covered by the validity period of the license. (See Part 373 of this chapter.)

Item 12: Addressee to whom license is to be sent. If the applicant wishes the license, if issued, to be sent to an agent, to whom he has delegated authority to receive and sign the license, the name and address of such agent should be entered in this item. (See Part 379; also § 381.3 of this chapter.)

Item 13: Signature. The name of the applicant, as it appears in Item 1, must be entered on the designated line to the left. The signature of the applicant, or his officer or duly authorized agent, must appear in ink on the center line as indicated. The name and title of the person who signs must be typed or printed legibly on the designated line to the right.

Unsigned applications will be returned to the applicant without action.

3. *Preparation of Form IT–116.* An acknowledgment card, Form IT–116 (revised), with both portions completely and correctly filled out, must accompany each license application.

This card must be made out in the name of the applicant, as shown in Item 1 of Form IT–419 (revised). Upon receipt of the application, the Officer of International Trade will enter on the card the case number assigned to the application, detaching and returning to the applicant the return portion (applicant's copy).

If the application is submitted by an agent, or if the applicant wishes an agent to receive an acknowledgment card, the upper portion only (applicant's copy) of an additional acknowledgment card may be filled out in the name of the agent and submitted with the application.

The date of application, applicant's reference number (if any), country of destination, Schedule B number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form IT–419 (revised). Only a brief commodity description is required to be shown on Form IT–116.

4. *Assembly and submission of applications.* All documents or correspondence accompanying the license application, bearing the applicant's reference number, if any, should be firmly stapled together in the upper left-hand corner.

Form IT–116 (revised), typed side up, should be attached with a paper clip (not stapled) to the upper left-hand corner of Form IT–419 (revised). The two portions of Form IT–116 should not be separated.

Applications should be submitted (preferably by mail) to the Office of International Trade, Washington 25, D. C.

Applications which are unsigned, or which omit essential information, will be returned without action.

5. *Inquiries and correspondence.* Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of three weeks after receipt of returned acknowledgment card, Form IT–116, before inquiring as to progress of an application. Certain types of applications require more time for necessary examination and consideration.

Requests for information concerning the application of regulations to specific fact situations, the status of delayed cases, or any other inquiry concerning export license applications should be addressed to the Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C. Such communications should not be attached to an application for license but should be mailed in a separate envelope. Memoranda attached to license applications should be limited to informational data relating to those applications and should not include inquiries requiring individual reply.

When inquiries are made concerning the status of applications, the following reference information is required:

(a) Name of applicant.

(b) Case number assigned on return postcard.

(c) Date of application.

(d) Country of destination.

(e) Name of consignee (if required).

(f) Name, quantity and value of commodity shown on application. (Specific information is essential for identification.)

(g) Schedule B number.

(h) Processing code.

Information as to the probable action of the Office of International Trade respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in all cases to submit an application together with pertinent information in order to obtain a decision.

A supporting letter should give additional information only for the application to which it is attached.

6. *Telegraphic service for licensees, others.* Applicants for export licenses should allow a period of 21 days after receipt of an acknowledgment card before making telegraphic inquiries regarding such documents. In cases of emergency, the Office of International Trade will authorize export clearance by telegraph or telephone where an export license has not yet been received by the applicant.

Where a licensee or applicant for an export license requests a telegraphic reply, and such telegram is to be paid for by the applicant, the complete address of such person or company, including name, street, city, postal zone number, and State, must be included with the request. This will expedite the servicing of these requests through telegraph companies and the Post Office Department, from which many complaints of incomplete addresses have been received.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective September 30, 1949 except that Forms IT–419 and IT–116, previously in use, may continue to be used through October 31, 1949, and on and after November 1, 1949 the use of Form IT–419, as revised August 1949, and Form IT–116, as revised August 1949, shall become mandatory.

Dated: September 28, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49–8162; Filed, Oct. 11, 1949; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Regs. 3, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

REOPENING OF DETERMINATIONS AND DECISIONS

Regulations No. 3, as amended (20 CFR, 1947 Sup., 403.1 et seq.), are further amended by adding to Subpart G of Part 403 the following:

APPENDIX—STATEMENT OF GENERAL POLICY AND INTERPRETATION

With respect to the reopening of initial determinations, including informal disallowances of a request for benefits or a lump sum, and decisions of a referee or of the Appeals Council, the following statement of general policy and interpretation is adopted:

(1) *Finality of determinations and decisions.* An initial determination of the Bureau, including an informal disallowance of a request for benefits or a lump sum, or a decision of a referee or of the Appeals Council shall be final and binding upon the parties thereto except that such determination, disallowance or decision may be reopened

(a) Within six months from the date of the notice to the party to the initial determination (§ 403.706 (b)) or informal disallowance, of such determination or disallowance, or

(b) After such 6-month period, but within four years after the date of the notice to the party to the initial determination (§ 403.706 (b)) or informal disallowance of such determination or disallowance, upon a finding of good cause for reopening such determination, disallowance, or decision, or

(c) At any time when it appears that

(i) Such initial determination, disallowance or decision was procured by fraud or similar fault of the claimant or some other person; or

(ii) An adverse claim has been filed against the same wage earner's account; or

(iii) An individual previously determined to be dead is found to be alive; or

(iv) The Railroad Retirement Board, pursuant to the Railroad Retirement Act, has awarded duplicate benefits on the same wage account.

(2) *Finality of initial determinations or decisions on revision of wage records.* Notwithstanding the provisions in paragraph 1, an initial determination or a decision on a revision of a wage record (see § 403.706 (a) (5)) may be reopened at any time within the period provided for by § 403.703 (f) or

within six months after the date of notice to the party to the initial determination, whichever is the later, except that such determination or decision may be reopened at any time (a) under the conditions specified in § 403.703, or (b) if such determination or decision was procured by fraud or misrepresentation.

(3) *Finality of findings in a claim for benefits with respect to other claims on the same wage record.* Findings of fact in a claim for benefits or a lump sum may be revised in deciding another claim for benefits or lump sum filed on the same wage record, even though such former claim for benefits or lump sum may not be revised because of the provisions of paragraph (1), except that a finding in connection with a claim that an individual was a fully or currently insured individual at the time he filed his application or at the time of his death may be revised only under the conditions specified in paragraph (1).

(4) *Imposition of deductions.* The imposition of deductions constitutes an initial determination with respect to each month for which a deduction is imposed. A finding that a deduction is not to be imposed is an initial determination for each month with respect to which the circumstances upon which such finding was based remain unchanged.

(5) *Definitions.* (a) "Good cause" shall be deemed to exist where

(i) New and material evidence is furnished after notice to the party to the initial determination or informal disallowance;

(ii) A clerical error has been made in the computation of benefits;

(iii) There is an error as to such determination or decision on the face of the evidence on which determination or decision is based;

(iv) An individual's failure to pursue the rights afforded by these regulations or file a formal application was due to circumstances beyond his control.

"Good cause" shall be deemed not to exist where the sole basis for reopening the determination or decision is a change of a ruling or legal precedent upon which such determination or decision was made.

(b) The term "informal disallowance" means the disallowance of a request made by an individual, orally or in writing, for benefits or a lump sum payment (see § 403.701 (k)) where (i) a record of such request is made by the Bureau or, in the absence thereof, it is established by clear and convincing evidence that such record should have been made and (ii) such individual does not at the time of such request file a formal application for such benefits or lump-sum death payment.

(6) *General applicability.* The provisions of the foregoing amendments shall be applicable notwithstanding any provision to contrary in Subpart G of Part 403.

(7) *Effective date.* The provisions of this appendix shall be effective upon its publication in the FEDERAL REGISTER.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a), 1302; sec. 4, Reorg. Plan 2 of 1946, 11 F. R. 7873; 3 CFR, 1946 Supp.)

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: October 5, 1949.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 49-8151; Filed, Oct. 11, 1949; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

EXPERIMENTAL SHIPMENTS OF FOOD THAT DOES NOT COMPLY WITH STANDARDS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.12 *Temporary permits to include new ingredients in standardized foods.* The Federal Security Agency recognizes that appropriate investigations of potential advances in food technology sometimes require tests in interstate markets of the usefulness and consumer acceptance of new ingredients in foods for which definitions and standards of identity have been prescribed under section 401 of the Federal Food, Drug, and Cosmetic Act.

It is the purpose of this Agency to permit such tests where they are necessary to the completion or conclusiveness of the investigation and where the interests of consumers are adequately safeguarded. This Agency will therefore refrain from recommending regulatory proceedings under the act on the charge that a food contains an ingredient not permitted by an applicable standard, if the person who introduces or causes the introduction of the food into interstate commerce holds a permit from the Federal Security Administrator for the use of the new ingredient in such food and the permit is in effect at the time of such introduction.

Any person desiring a permit may file with the Administrator a written application in triplicate containing as part thereof the following:

1. Name and address of the applicant.
2. A statement of whether or not the applicant is regularly engaged in producing the food involved.
3. A reference to the applicable definition and standard of identity.
4. A full description of the new ingredient proposed for use in the food.
5. The basis upon which the ingredient is believed to be wholesome and nondeleterious.
6. The amounts of the ingredient to be used in the food.
7. The purpose for which the ingredient is to be used.
8. The labeling to be used for the food containing such ingredient.
9. The period during which the applicant desires to introduce such food into interstate commerce, with all available information supporting the need for such period.
10. The probable amount of such food that will be distributed.
11. The areas of distribution.
12. The address at which the food will be manufactured.
13. Permission by the applicant for officers or employees of the Administrator to make inspections as provided by section 704 of the act.
14. A statement of whether or not such food has been or is to be distributed in the State in which it is manufactured.
15. If it has not been and is not to be so distributed, a statement showing why.
16. If it has been or is to be so distributed, a statement of why it is deemed necessary to distribute such food in other States.

The Administrator may require the applicant to furnish such additional information as he deems necessary for his action on the application.

If the Administrator concludes that the ingredient to be added is harmless, may serve a useful purpose, and will not result in failure of the food to conform to any provision of the act except section 403 (g), he may issue a permit to the applicant covering the interstate shipment of such food containing such ingredient. The terms and conditions of the permit shall be those set forth in the application with such modifications, restrictions, or qualifications as the Administrator may deem necessary and state in the permit.

The terms and conditions of the permit may be modified by the Administrator in his discretion or upon application of the permittee during the effective period of the permit.

The Administrator may revoke a permit if he finds (1) that the permittee has introduced a food into interstate commerce contrary to the terms and conditions of the permit, or (2) that the application for a permit contains an untrue statement of a material fact, or (3) that the need therefor no longer exists.

During the period within which any permit is effective, the Agency will deem it to be included within the terms of any guaranty or undertaking otherwise effective pursuant to the provisions of section 303 (c) of the act.

Information contained in applications will be held confidential unless and until publicly revealed by the applicant. The fact that a permit has issued or is in effect will also be held confidential.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: October 5, 1949.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-8150; Filed, Oct. 11, 1949; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1949 Dept. Circ. 853]

PART 328—RESTRICTIVE ENDORSEMENTS OF BEARER SECURITIES

OCTOBER 5, 1949.

On August 31, 1949, a notice of proposed rule making regarding restrictive endorsements of bearer securities of the United States was published in the FEDERAL REGISTER (14 F. R. 5397).

Pursuant to the authority of Revised Statutes section 161 (5 U. S. C. 22) and of the Second Liberty Bond Act, as amended, and after consideration of all such relevant matter as was presented by interested parties regarding the pro-

posal, the following regulations are hereby prescribed, effective November 14, 1949, to govern restrictive endorsements placed upon bearer securities of the United States presented for payment or redemption or pursuant to an optional exchange offering:

Sec.
328.1 Scope of regulations.
328.2 Authorization for restrictive endorsements.
328.3 Form of endorsement.
328.4 Requirements for endorsements.
328.5 Preparation of securities for shipment.
328.6 Shipment of securities.
328.7 Loss, theft, or destruction of securities bearing restrictive endorsements.
328.8 Miscellaneous.

AUTHORITY: §§ 328.1 to 328.8 issued under R. S. 161, sec. 1, 40 Stat. 288, as amended; 5 U. S. C. 22, 31 U. S. C. 752.

§ 328.1 *Scope of regulations.* The regulations in this part are applicable only to bearer securities presented by or through banks for payment at maturity, or for redemption prior to maturity, or in exchange for any securities pursuant to an optional exchange offering. The term "bearer securities" as herein used shall include Treasury bonds, notes, certificates of indebtedness, and Treasury bills, issued by the United States and payable to bearer. The term "banks" as herein used shall include incorporated banks (which for this purpose are defined as banks doing a general commercial banking business), incorporated trust companies (which for this purpose are defined as trust companies doing either a general banking business or a general trust business), and savings banks (whether or not mutual). The regulations in this part do not apply to securities presented for any other transaction, nor do they apply to registered bonds assigned in blank or so assigned as to become, in effect, payable to bearer.

§ 328.2 *Authorization for restrictive endorsements.* At any time after one calendar month prior to (a) maturity date, (b) the date securities become payable pursuant to a call for redemption, or (c) the date upon which an exchange may be effected pursuant to an optional exchange offering, banks are authorized, under the conditions and in the manner hereinafter provided, to place restrictive endorsements upon the face of bearer securities owned by themselves or their customers for the purpose of presentation to Federal Reserve Banks or Branches, or to the Treasurer of the United States, for payment, redemption, or optional exchange. Bearer securities bearing such restrictive endorsements will thereafter be nonnegotiable and payment, redemption, or exchange will be made only as provided in such endorsements.

Federal Reserve Banks will inform eligible banks in their respective districts as to the procedure to be followed under the authority granted by the regulations in this part. No bank should imprint restrictive endorsements on securities or make shipments as provided herein until it has received such information from the Federal Reserve Bank.

§ 328.3 *Form of endorsement.* The endorsement should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption or in exchange for securities of a new issue, in accordance with written instructions submitted by

_____
(insert name of presenting bank)
ABA No. _____

The name of the Federal Reserve Bank of the district must appear on the plate or stamp used for the imprinting of the endorsement and presentation to the appropriate Branch of the Federal Reserve Bank named will be considered as presentation to the bank. When securities are to be presented to the Treasurer of the United States, the words "The Treasurer of the United States" should be used in lieu of the words "The Federal Reserve Bank of _____, Fiscal Agent of the United States." No subsequent endorsement will be permitted and no other form of endorsement may be made.

§ 328.4 *Requirements for endorsements.* The endorsement must be imprinted in the left-hand portion of the face of each security with the first line thereof parallel to the left edge of the security and in such manner as to be clearly legible and in such position that it will not obscure the serial number, series designation, or other identifying data, and that it will cover the smallest possible portion of the text on the face of the security being endorsed. The dimensions of the endorsement should approximate four inches in width and one and one-half inches in height, and must be imprinted by stamp or plate of such character, with a carbon pigment ink, and by such means, as will render the endorsement substantially ineradicable. Immediately below and as a part of the endorsement the ABA code number of the presenting bank must be perforated in figures approximately one-half inch in height. The perforation should be placed as nearly as possible beneath the endorsement but without obliterating any of the above-mentioned identifying data.

§ 328.5 *Preparation of securities for shipment*—(a) *Coupons.* All matured coupons, including (except where otherwise specifically provided in an announcement of an optional exchange) all coupons which will mature on or before the date of redemption or exchange, should be detached from securities upon which restrictive endorsements are to be imprinted, and all coupons maturing subsequent to the date of redemption or exchange should be left attached and appropriately cancelled in accordance with the instructions given by the Federal Reserve Banks. If any such subsequently dated coupons are missing, deduction of the face amount of such missing coupons will be made in cases of redemption and in cases of optional exchange remittance equal to the face amount of the missing coupons must accompany the securities.

(b) *Mingling of issues.* Securities of different issues may be included in a single shipment but they should be sorted by issue, denomination, and serial number. When securities to be redeemed are included in the same shipment as securities to be presented in payment for an exchange subscription, the securities to be redeemed should be clearly segregated from those to be exchanged, and if any securities offered are available in registered form and registration is desired, complete registration instructions should be given on the list hereinafter required.

(c) *Listing.* After the endorsements have been imprinted and the securities segregated, as required by paragraph (b) of this section, a list of all securities of each issue included in the shipment should be prepared in triplicate. The list should be prepared in the order in which the securities are to be packaged and dispatched and should show in the case of each issue the date of the next maturing coupon, specifying either that all subsequent coupons are attached or indicating which coupons, if any, are missing and whether or not remittance for the value of any missing coupons accompanies the securities. Appropriate forms for the preparation of such lists may be procured from the Federal Reserve Banks of the respective districts. The lists must be verified against the securities.

(d) *Microfilming.* Where adequate facilities for making microfilms or other photographic reproductions of endorsed securities are available, banks are urged to make use thereof for their own protection and for that of their customers. Relief in case of loss, theft, or destruction of securities cannot be given except upon satisfactory proof that such securities were endorsed as provided in the regulations in this part. Microfilms or other photographic reproductions of securities bearing such endorsements will constitute the best evidence that such endorsements were made prior to loss, theft, or destruction, and will materially expedite any application for relief. No prints may be made from the film, except as provided in § 328.7, or when otherwise specifically authorized by a Federal Reserve Bank or by the Treasury Department.

(e) *Supervision of listing and verification.* In all cases the listing and verification, as well as the checking of any photographic reproductions, must be made under the supervision of a responsible officer of the bank concerned, who will sign all three copies of the list. The officer verifying and signing the list must also supervise the packaging and shipment of the securities. The original and triplicate copies of the list and the photographic records, if made, should be retained by the bank until the transaction is completed by receipt of payment or receipt of the securities issued in exchange.

§ 328.6 *Shipment of securities.* Securities bearing restrictive endorsements and prepared for shipment as provided herein, under the terms of these regulations, are no longer securities payable to bearer and may be forwarded by messenger, armored car service, express, or by registered mail, accompanied in each

case by the duplicate copy of the list required in § 328.5. Postmasters under existing Postal Laws and Regulations and supplemental instructions are authorized to accept such securities for shipment by registered mail upon payment of postage at the first-class rate at the declared value of the known or estimated cost of duplication, including the cost of an indemnity bond if required: *Provided*, That a surcharge shall be paid in any case for the cost of duplication in excess of the maximum amount of indemnity payable for the registration. Such securities may not be shipped as cancelled vouchers or as cancelled securities. Shipments may be made only to the Federal Reserve Bank of the district in which the presenting bank is located or the appropriate Branch of such Federal Reserve Bank, and will be at the risk and expense of the shipper. No shipment to any other Federal Reserve Bank is authorized and no shipment by mail or express may be made to the Treasury Department, Washington, D. C.; delivery to the Treasury Department may be made by messenger or armored car.

§ 328.7 *Loss, theft, or destruction of securities bearing restrictive endorsements.* In the case of loss, theft, or destruction of securities bearing restrictive endorsements made strictly in accordance with the provisions of the regulations in this part, relief will be given as provided by U. S. C. 1946 ed., Title 31, sec. 738a as applied to securities not payable to bearer. (See Appendix A for more detailed information regarding the applicable provisions of the law.) Applications for relief accompanied by the necessary supporting evidence and by the original of the list required by § 328.5 (e) will be acted upon promptly by the Department. Application should be made on Form PD 2211, should give full details so far as known of the loss, theft, or destruction, and should be accompanied by an affidavit from the officer who supervised the listing, verification, and shipment of the securities and who signed the list, a copy of which accompanied the shipment. This affidavit should show that to the officer's personal knowledge each security claimed to have been lost, stolen, or destroyed bore the restrictive endorsement in the form prescribed in § 328.3, fully completed, and that shipment was actually made under his direction, and should describe the method of shipment. If photographic records were made, prints thereof should also accompany the claim and be verified as records of the securities claimed to have been lost, stolen, or destroyed. A bond of indemnity with surety satisfactory to the Secretary of the Treasury for the full value of the securities claimed to have been lost, stolen, or destroyed, including the value of any interest payable thereon, will be required from the owner of the securities. A bank will be considered as the owner, if it so desires, for securities handled by the bank on behalf of its customers. If such bond is executed by a bank or other corporation, the execution must be authorized by general or special resolution of the board of directors or other body exercising similar functions, or of some other board or committee authorized to act under the bylaws on behalf of such bank or corporation. Ordinarily no surety will be required on a bond executed by the presenting bank. The Secretary of the Treasury reserves the right, however, to require a surety in any case in which he considers such action necessary for the protection of the United States.

§ 328.8 *Miscellaneous.* Any provisions of Department Circular No. 300, dated July 31, 1923, as supplemented and amended (31 CFR, Part 306) and of Department Circular No. 666, dated July 21, 1941 (31 CFR, Part 307), which are in conflict with the provisions of the regulations in this part are hereby superseded. The Secretary of the Treasury reserves the right at any time to amend, supplement, or withdraw any or all of the provisions of the regulations in this part.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

APPENDIX A

The statutory authority for relief on account of loss, theft, or destruction of United States securities is contained in 31 U. S. C. 1946 ed., sec. 738a, and reads as follows:

Interest-bearing security destroyed, mutilated, defaced, lost or stolen—(a) *Issuance of duplicate; redemption of matured security.* Whenever it is clearly proved to the satisfaction of the Secretary of the Treasury—

(1) That any interest-bearing security of the United States, identified by number and and description, payable to bearer or so assigned as to become, in effect, payable to bearer, has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner, or has been lost or stolen under such circumstances, and such a period of time having elapsed after it has matured or has become redeemable pursuant to a call for redemption, as in the judgment of the Secretary would indicate that it has been destroyed or irretrievably lost, is not held by any person as his own property and will never become the basis of a valid claim against the United States; or

(2) That any interest-bearing security of the United States, identified by number and description, which is not payable to bearer and which has not been so assigned as to become, in effect, payable to bearer, has been lost or stolen, so that it is not held by any person as his own property, or has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner; the Secretary, upon receipt and approval by him of a bond of indemnity, if and as required by subsection (b) hereof, shall, in the case of a security which has not matured or become redeemable pursuant to a call for redemption, issue a substitute marked "duplicate" and showing the serial number of the original security; or shall, in the case of a security which has matured or become redeemable pursuant to a call for redemption, make payment thereof to the owner, with such interest only as would have been paid had the security been presented when it became due and payable: *Provided*, That in the case of an interim certificate relief may be given by the issue of a definitive security, whether before or after maturity, rather than by the issue of a substitute or by payment: *And provided further*, That no payment shall be made on account of interest coupons claimed to have been attached to such original security unless the Secretary is satisfied that such coupons have not been paid, and are in fact destroyed or can never become the basis of a valid claim against the United States.

(b) *Bond of indemnity; exceptions.* Except as provided in paragraphs (1) to (4) of this subsection, the owner of such lost, stolen, destroyed, mutilated, or defaced security shall file with the Secretary of the Treasury a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require: *Provided*, That in case of securities payable to bearer or so assigned as to become, in effect, payable to bearer, the destruction of which has not been proved, a corporate surety, qualified under sections 6 to 13 of Title 6, shall be required on such bond of indemnity: *And provided further*, That a bond of indemnity shall not be required in any of the following classes of cases, except as provided in paragraph (4) of this subsection:

(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner and while the security was in the custody or the control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under section 134 of Title 5;

(2) If substantially the entire security is presented and surrendered by the owner and the Secretary of the Treasury is satisfied as to the identity of the security presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the lost, stolen, destroyed, mutilated, or defaced security is one which by the provisions of law or by the terms of its issue is transferable only by operation of law;

(4) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

(c) *Definitions.* The term "interest-bearing security of the United States" or "security", wherever used in this section, means any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis, and includes (but is not limited to) bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security, and also means any bond issued under section 780 of Title 26.

(d) *Rules and regulations.* The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of this section.

United States securities payable to bearer, which have been restrictively endorsed and shipped to Federal Reserve Banks or Branches, or to the Treasury Department, Washington, D. C., all in strict accordance with the provisions of the regulations, have been made nonnegotiable and relief in case of their loss, theft, mutilation, or destruction may be given under the provisions of paragraph

(2) of subsection (a) of the above statute.

In case a bank does not receive within a reasonable time payment or securities offered in exchange for securities surrendered prompt notice should be given the agency to which the securities were forwarded. If payment or new securities are received after such notice has been given, the agency to which the securities were forwarded should be immediately notified.

Application for relief should be made on Form PD 2211, copies of which may be secured from the Federal Reserve Banks of the various districts or from the Treasury Department, Washington, D. C. If the bank is the actual owner of the securities or wishes to be considered as the owner, as provided in § 328.7, the application may be executed in the name of the bank by an officer thereof. If not executed by the officer who supervised the endorsement and shipment, it must be accompanied by an affidavit from such officer. If the bank is not the owner and does not elect to be considered the owner, the application must be signed by the owner of the securities for which relief is sought and must be accompanied by an affidavit from the officer of the bank who supervised the preparation and shipment. The original of the list made by the bank must also be submitted and if photographic reproductions were made prints therefrom should accompany the application as provided in § 328.7. If the loss, theft, mutilation, or destruction occurred in the mail, a postal inspector's report ordinarily will be required.

Form PD 2211 and the accompanying evidence must be submitted to the agency to which the securities were forwarded and will be expedited both by that agency and by the Department at Washington, and, if approved, a bond of indemnity (which is required by the statute) will be forwarded for execution; if the bond of indemnity is executed by the presenting bank as owner, ordinarily no surety will be required. However, the Secretary reserves the right to require surety in any particular case.

[F. R. Doc. 49-8166; Filed, Oct. 11, 1949; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraph (c) is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(c) *Philippine Scouts and others.* Philippine Scouts, the Insular Force of the Navy, Samoan Native Guard, and Samoan Native Band of the Navy are within the terms of the acts, except that neither the Philippine Scouts nor the Insular Force of the Navy were, or are included in article II of the War Risk Insurance Act. However, Philippine Scouts enlisted under section 14 of Public Law 190, 79th Congress, approved October 6, 1945, are subject to the limitations contained in Public Law 391, 79th Congress. Benefits are accordingly limited to compensation payable for service-connected disability or death. Members of the organized military forces of the Government of the Commonwealth of the Philippines are included for purposes of the laws administered by the Veterans' Administration providing for the payment of compensation on account of service-connected disability or death from and after the dates and hours, respectively, that they were called into service of the armed forces of the United States by orders issued from time to time by the General Officer, United States Army, designated by the Secretary of War. (Sec. 2 (a) (12), Pub. No. 127, 73d Congress and Pub. Law 301, 79th Cong.) This includes a person who became a member of a unit so called or ordered into the armed forces of the United States upon its reorganization and return to military control prior to July 1, 1946. It does not include the service of such a person during the period subsequent to his release following the capitulation or after parole by the Japanese as a prisoner of war, when he was in an inactive status, and prior to the time he joined a recognized guerrilla force or returned to military control as certified by the United States armed forces. Persons who served as guerrillas under a commissioned officer of the United States Army, Navy, or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States forces are also included: *Provided,* That service as a guerrilla by a person who also was a Philippine Scout or a member of the armed forces of the United States, other than a member of the Commonwealth Army, will be considered as service in his regular status of Philippine Scout or member of the armed forces of the United States. However, unless the record shows examination at time of entrance into the armed forces of the United States, such persons are not entitled to the presumption of soundness. This will also apply upon reentering the armed forces after a period of inactive service. Service of such Commonwealth forces in the United States armed forces was terminated as of June 30, 1946, by the military order of the President dated July 1, 1946. (Therefore, such Philippine Army service rendered on or after July 1, 1946, is not service in the United States armed forces within the purview of the laws administered by the Veterans' Administration.) Compensation payable to members of the organized military forces of the Government of the Commonwealth of the Philippines, under the conditions set forth above, and to Philippine Scouts who enlisted under section 14, Public Law 190, 79th Congress, shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation. Where a veteran, who had Commonwealth Army or guerrilla service and also had other service, wartime or peacetime, in the armed forces of the United States, has compensable disabilities due to the service entitling to compensation on a peso basis and due to service entitling to compensation on a dollar basis, the disabilities will be combined as usual, applying the provisions of Part IV, Veterans Regulation 1 (a), (38 U. S. C., ch. 12), where there is disability due to wartime and peacetime service. In computing the amount due, the evaluation for which dollars are payable will be first considered and the difference between this evaluation and the combined evaluation will be the basis for computing the amount due in pesos.

* * * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 847, 1016, secs. 2, 4, 7, 48 Stat. 9, 456, 508, 50 Stat. 305, 55 Stat. 12, 598, 733, secs. 1, 2, 56 Stat. 1020, 1038, 1072, sec. 10, 57 Stat. 371, 556, 586, sec. 212, 58 Stat. 219, 324, 689, 60 Stat. 223; 10 U. S. C. 336, 14 U. S. C. 311, 28 U. S. C. 375, 33 U. S. C. 855a, 34 U. S. C. 857a, 37 U. S. C. 113 note, 38 U. S. C. 11, 11a, 121, 238, 238c–e, 426, 704, 707, 730, Ch. 12 note, 42 U. S. C. 213, 48 U. S. C. 1232, 50 U. S. C. 301, 50 app. U. S. C. 1591–1598)

2. Sections 3.4 and 3.7 are amended to read as follows:

§ 3.4 *Jurisdiction of authorization unit.* The authorization unit will have jurisdiction over the determination of basic eligibility for monetary benefits in claims under the jurisdiction of the field office; the development of claims in conformity with established Veterans' Administration policy; the adjudication of all claims upon completion of rating action; the maintenance of such follow-up procedure as may be required (this does not apply to follow-up of requested physical examinations); the development and certification of appeals; the certification, upon proper request, of data for consideration in determining eligibility for domiciliary care or hospital or outpatient treatment; the determination whether the character of discharge is a bar to benefits including benefits under Titles II, III, and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and outpatient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases; the furnishing of technical information, through correspondence or otherwise, to veterans or their representatives in explanation of action taken upon individual claims, and the carrying out of such duties in relation to the foregoing and adjudication matters, general or otherwise, as may be properly assigned by central office.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

§ 3.7 *Information on all decisions to be furnished to veterans.* The claimant will, in all cases in which he appears personally before a rating board, be informed by the board of the decision reached and the reason therefor. The claimant will also be advised upon completion of adjudicative action based upon the decision, of the provisions thereof, and his entitlement or nonentitlement thereunder, and of his right of appeal,

and of the time within which appeal must be taken. While failure to receive written notice of right to, and time for, appeal will not extend the time for filing appeal, it will not preclude an administrative review in a meritorious case upon a proper authorization. Claims which involve this provision will be forwarded with a summary of the facts and a recommendation by the adjudication officer or assistant adjudication officer, in living cases, or by the director, claims service, district office, in death cases, to the director of the service concerned, central office. In central office cases, reference will be by the chief or assistant chief of the division concerned to the director, veterans claims service, or the director, dependents and beneficiaries claims service, depending upon the subject matter, for appropriate action.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

3. In § 3.9 paragraphs (b) and (c) are amended to read as follows:

§ 3.9 *Revision of rating board decisions.* * * *

(b) Whenever a rating board may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order, to the assistant administrator for claims, attention of the director, veterans claims service, or director, dependents and beneficiaries claims service, as the case may be. A rating decision will not be effected in any such case pending the return of the case file following central office consideration. The effective date of the rating authorizing benefits in such cases will be the date of administrative determination, except where otherwise provided, regardless of whether there is a pending claim in file.

(c) Determinations in effect on March 19, 1933, will not be reversed in those cases comprehended within the provisions of sections 27 and 28, Public, No. 141, 73d Congress, except as provided in these sections. These cases, therefore, will not be referred under paragraph (b) of this section upon a difference of opinion. In the event clear and unmistakable error is discovered, the rating board will take action as provided in paragraph (a) of this section.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

4. Section 3.27 is amended to read as follows:

§ 3.27 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, or some person acting as next friend of a claimant who is not sui juris, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. To constitute an informal claim, the communication must specifically refer to and identify the particular benefit sought. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and, unless a formal application is received within 1 year from the date it was transmitted for execution by the claimant, no award shall be made by virtue of such informal claim. If received within 1 year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this section, where the probability of an informal claim appears to be indicated but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, district office in field death cases, the director, veterans claims service, central office, in field living cases, or the director of the service concerned in central office cases, for decision upon the facts in the particular case. When benefits are being resumed under § 3.299 and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the third and fourth sentences of this section are not for application. Under Executive Order 6017, February 7, 1933, appearing in Title 22, Page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

5. In § 3.32, paragraph (c) is amended to read as follows:

§ 3.32 *Evidence required from a foreign country and release of original documents from files of the Veterans' Administration for authentication.* * * *

(c) Where it is indicated that evidence from a foreign country to establish relationship, age or death would not be accessible to the claimant and evidence of record tends to establish the facts in issue, the case file, together with a complete statement of facts, will be submitted to the director of claims, district office in field death cases, the director, veterans claims service, central office, in field living cases, or the director of the service concerned in central office cases, whichever is appropriate, with a recommendation that a finding of relationship, age, or death be made.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

6. In § 3.45, paragraph (b) (3) (ii) is amended to read as follows:

§ 3.45 *Evidence to establish relationship of child, for compensation, pension, and subsistence allowance purposes.* * * *

(b) *Illegitimate child.* * * *

(3) * * *

(ii) In district office cases, the director, claims service.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

7. In § 3.55, paragraph (g) is amended to read as follows:

§ 3.55 *Proof of death.* * * *

(g) In cases wherein proof of death, as defined in paragraphs (a) through (f) of this section, cannot be furnished, the director of claims service, in district office cases, or the director, dependents and beneficiaries claims service, in central office cases, may make a finding of fact of death where death is otherwise shown by competent evidence. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

8. In § 3.59, a new paragraph (c) is added to read as follows:

§ 3.59 *Active service under Public No. 2, 73d Congress.* * * *

(c) The period of active service of the members of the regular components of the Philippine Commonwealth Army while serving with the armed forces of the United States will be from the date certified by the Philippines Command, U. S. Army, as the date of enlistment or the date of report for active duty, whichever is the later, to the date of release from active duty, discharge, death, or June 30, 1946, whichever is the earlier. The release from active duty will include (1) leaving one's organization in anticipation of or due to the capitulation, (2) escape from a prisoner of war status, (3) parole by the Japanese from a prisoner of war status, (4) beginning of missing in action status, except where, under the provisions of section 5, Public Law 490, 77th Congress, as amended, death is presumed to have occurred while the veteran's name was carried in such status, (5) the capitulation on May 6, 1942, except that periods of recognized guerrilla service or periods of service in units which continued organized resistance against the Japanese prior to formal capitulation will be considered as a return to active duty for the period of such service. The active service of members of the irregular forces, "guerrillas," will be that period covered by the certification of

the United States Army Philippines Command.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

9. Section 3.60 is amended to read as follows:

§ 3.60 *Active service requirements of Veterans Regulation No. 1 (a), Part III (38 U. S. C. ch. 12).* Where the military service extended into or beyond the period of hostilities, there must be 90 days continuous service so extending or a discharge prior to service of 90 days on account of disability incurred in or aggravated by service in line of duty without benefit of presumptive provisions of the law or regulations in order to meet the requirements of Part III, Veterans Regulation 1 (a), as amended, but the requirements of active service for a total of 90 days or more during one of the enumerated wars can be composed of two or more periods of service, if all such periods are within the war period. Service is exclusive of the furloughs enumerated in § 3.59, time under arrest, in the absence of acquittal, time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court martial. Time in a hospital, on sick furlough, or as a prisoner by the enemy is included.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 52 Stat. 754; 38 U. S. C. 11, 11a, 426, 707, ch. 12 note)

10. In § 3.64, paragraph (d) is amended to read as follows:

§ 3.64 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public Law 346, 78th Congress.* * * *

(d) An undesirable or blue discharge issued because of homosexual acts or tendencies generally will be considered as under dishonorable conditions and a bar to entitlement under Public, No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as amended. However, the facts in a particular case may warrant a different conclusion, in which event the case should be submitted to the director, claims service, district office, in field death cases, to the director, veterans claims service, central office, in field living cases, or to the director of the service concerned in central office cases, for attention and consideration. (As to the effect of alienage see § 3.1 (j).)

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 1503, 58 Stat. 301; 38 U. S. C. 11, 11a, 426, 697c, 707)

11. In § 3.66, paragraph (b) is amended to read as follows:

§ 3.66 *"Line of duty" under Veterans Regulation No. 1 (a), Parts I and II, as amended (38 U. S. C. ch. 12).* * * *

(b) Whenever the veterans claims service, the dependents and beneficiaries claims service, or the insurance service has made a determination of the question of line of duty status for the purpose of compensation, pension, or insurance, under the provisions of §§ 3.66 and 3.1046, such determination shall be binding upon any of these services for any of the purposes mentioned, unless it be clearly and unmistakably in error. This determination shall not be subject to question by reason of a difference of opinion, except as to whether such determination is clearly and unmistakably erroneous, in which case such question shall be referred to the deputy administrator for his personal determination.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9; 38 U. S. C. 11, 11a, 426, 701, 707)

12. Section 3.76 is amended to read as follows:

§ 3.76 *Original examinations for disability compensation or pension.* In original claims for disability compensation or pension, either for peacetime or wartime service, service-connected or otherwise, an examination will not be authorized unless and until evidence is of record, either from the service departments, or in the form of affidavits, indicating the reasonable probability of a valid claim. If, after the development of the case, it is indicated that probability of a valid claim exists, an examination may be requested. Where the claimant appears in person and preliminary inquiry establishes the reasonable probability of a valid claim, an immediate physical examination may be requested. (38 U. S. C. ch. 12, Reg. 1 series.) Where a claim is filed within six months from date of discharge and the veteran was discharged on a certificate of disability, it may be rated initially on the records of the service department unless it would appear that error might result from such rating. Otherwise, no rating will be made without first obtaining an official Veterans' Administration examination. (See § 3.185.)

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9; 38 U. S. C. 11, 11a, 426, 701, 707)

13. In § 3.80, paragraph (b) is amended to read as follows:

§ 3.80 *Service connection for chronic or tropical diseases.* * * *

(b) Evidence which may be considered in rebuttal of service incurrence of a chronic or tropical disease will be any evidence of a nature usually accepted as competent to indicate the time of existence or inception of disease, and medical judgment will be exercised in making determinations relative to the effect of intercurrent injury or disease. The expression "affirmative evidence to the contrary", appearing in Veterans Regulation No. 1 (a), Part I, paragraph I (c), as amended, or the expression "clear and unmistakable evidence", appearing in Veterans Regulation No. 1 (a), Part II, paragraph I (d), will not be taken to require a conclusive showing, but such showing as would in sound medical reasoning and in the consideration of all evidence of record, support a conclusion that the disease in question was not incurred in service within the meaning of Veterans Regulation No. 1 (a), Parts I or II, as amended. As to tropical diseases, incurred in either wartime or peacetime service, the fact that the veteran had no service in the tropics or in a locality having a high incidence of the disease, may be considered as evidence to rebut the presumption. The record must be negative as to inception prior or subsequent to service, and residence during the year following this service must not have been in the tropics or in a region where the particular disease is endemic. The known incubation period for such diseases should be used as a factor in the rebuttal of presumptive service connection, that is, to show inception prior or subsequent to active service. (For list of chronic and tropical diseases see § 3.86.) Existing procedure whereby service connection may be granted for malaria without diagnosis on Veterans Administration examination remains unchanged.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9; 38 U. S. C. 11, 11a, 426, 701, 707. Pub. Law 748, 80th Cong.)

14. In § 3.86, paragraph (a) is amended to read as follows:

§ 3.86 *Chronic and tropical diseases under Public No. 2, 73d Congress, as amended.* The service connection of chronic diseases under Veterans Regulation No. 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), pursuant to Public No. 2, 73d Congress, is restricted to the following:

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis (effective June 24, 1948).
Calculi of the kidney, bladder, or gall bladder (effective June 24, 1948).
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvements of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the one-year period will be given the same benefit of service connection as any of the chronic diseases listed.)
Cirrhosis of the liver (effective June 24, 1948).
Coccidioidomycosis (effective June 24, 1948).
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis. (This term is intended to cover all forms of valvular heart disease.)
Endocrinopathies.
Epilepsies.
Hodgkin's disease.
Leprosy.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system (effective June 24, 1948.)
Osteitis deformans (Paget's disease).
Osteomalacia (effective June 24, 1948).
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic (effective October 19, 1949).
Raynaud's disease (effective June 24, 1948).
Scleroderma (effective June 24, 1948).
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.

Syringomyelia.
Thromboangiitis obliterans (Buerger's disease) (effective September 26, 1947).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves (effective June 24, 1948, as to tumors of the peripheral nerves).
Ulcers, peptic (gastric or duodenal) (effective June 24, 1948). (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9; 38 U. S. C. 11, 11a, 426, 701, 707)

15. In § 3.102, paragraph (f) is amended to read as follows:

§ 3.102 *Wartime service connection.* * * *

(f) Field offices will submit for central office consideration cases involving tropical diseases initially manifest at any time after discharge, when in their judgment a finding of service-connection would be proper but is not warranted under this section.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

16. In § 3.123, paragraph (b) (7) is added to read as follows:

§ 3.123 *Initial determinations and adjudicative action under section 31, Public, No. 141, 73d Congress, as amended by section 12, Public, No. 866, 76th Congress, and under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12)* * * *

(b) * * *

(7) Compensation under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended, is not payable unless a causal relationship exists between the training and an injury, or aggravation of an existing injury sustained during training.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 7, 31, 48 Stat. 9, 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43; 38 U. S. C. 11, 11a, 426, 501a, 501a–1, 707, ch. 12 note)

17. In § 3.131, paragraph (f) is amended to read as follows:

§ 3.131. *Principles for determining entitlement to the statutory award for loss of use of a creative organ.* * * *

(f) Cases wherein there is uncertainty as to whether the veteran is entitled to the statutory award for the loss or loss of use of a creative organ, and all cases of women veterans where this question is involved, will be submitted to the director of the service concerned, central office for determination.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 13, 46 Stat. 998, 1016, secs. 7, 28, 48 Stat. 9, 524, sec. 2, 60 Stat. 910; 38 U. S. C. 11, 11a, 426, 471a–3, 473, 707, 722)

18. In § 3.133 paragraphs (a) and (b) are amended to read as follows:

§ 3.133 *Effect of diagnoses of active tuberculosis.* (a) Service department diagnoses of active pulmonary tuberculosis will be accepted unless, after considering all the evidence including that favoring or opposing tuberculosis, and favoring or opposing activity, a board of medical examiners or the chief medical officer certify that such diagnoses were incorrect. Doubtful cases may be referred to the chief medical director in central office.

(b) Diagnosis of active pulmonary tuberculosis by the medical authorities of the Veterans Administration as the result of examination, observation, or treatment will be accepted for rating purposes. Reference to the chief medical officer will be in order in questionable cases and if necessary to the chief medical director in central office.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

19. In § 3.139, paragraph (i) is added to read as follows:

§ 3.139 *Principles for observance in application of Public Nos. 196 and 866, 76th Congress.* * * *

(i) For the purposes of Public Nos. 196 and 866, 76th Congress, there must be shown aggravation during service over and above the natural progress of a misconduct condition that existed prior to enlistment or enrollment.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

20. In § 3.142, paragraph (a) is amended to read as follows:

§ 3.142 *Special action where evaluations provided under the Rating Schedule, 1945, are considered inadequate or excessive.*

(a) Exceptional cases to which the application of the 1945 Schedule is not understood, or with regard to which evaluation under this schedule is considered inadequate or excessive, may be submitted by the adjudication officer for advisory opinion or for reevaluation to the director, veterans claims service, central office. Questionable special monthly compensation cases and cases involving severe disabilities considered total, but for which current procedure does not authorize a total rating will be similarly submitted. Where total disability is claimed and a submission hereunder is contemplated, a VA Form 8–527, Employment Affidavit, will be obtained and other indicated development of the evidence accomplished prior to the release of the records by the custodial office. The submission in any case comprehended by this regulation will include the claims folder, a recent medical examination, and definite recommendation from the submitting agency concerning evaluation of every disability under the schedule as interpreted by the submitting agency and concerning schedular changes deemed advisable by reason of the particular situation encountered. However, cases will not be withdrawn from appellate channels for submission under this regulation, except as the Board of Veterans' Appeals may join in reference of such cases with their recommendation. (38 U. S. C. ch. 12, Reg. 3 (a))

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707; interpret secs. 8, 9, 43 Stat. 1306, 1307, sec. 3, 48 Stat. 9; 38 U. S. C. 473–491, 703)

21. In § 3.155, paragraph (f) is amended to read as follows:

§ 3.155 *Combined ratings.* * * *

(f) Where there is doubt as to whether a veteran, who served during a war period and a peacetime enlistment, is entitled to combination and payment at wartime rates because of disabilities connected with peacetime service, or there is doubt as to the manner of combination, the case will be submitted to the director of the service concerned, central office, for review and appropriate advice.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707; interpret secs. 8, 9, 43 Stat. 1306, 1307, sec. 3, 48 Stat. 9; 38 U. S. C. 473–491, 703)

22. In § 3.201, paragraph (f) is amended to read as follows:

§ 3.201 *Adjudication of claims involving compensation or pension based upon new and material evidence presented after prior disallowance.* * * *

(f) Where the new and material evidence consists of a supplemental report from the service department and it is received subsequent to the expiration of the appeal period or, in the event of an appeal, subsequent to the decision of the Board of Veterans' Appeals, the supplemental report from the service department will be considered under Veterans Regulation No. 2 (d) (38 U. S. C. ch. 12) and the appropriate rating and award accomplished under the applicable instructions. The retroactive evaluation of disability resulting from disease or injury subsequently service connected on the basis of new evidence from a service department must be adequately supported by medical evidence and where the additional records received from the service department clearly support the assignment of a specific rating over a part or the entire period of time involved, a retroactive evaluation will be assigned accordingly except as it may be affected by the filing date of the original claim.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 7, 9, 48 Stat. 9, 10; 38 U. S. C. 11, 11a, 426, 707, 709)

23. In § 3.214, paragraph (b) (2) is amended to read as follows:

§ 3.214 *Effective dates of awards of increased disability compensation.* * * *

(b) *By reason of regulatory or schedular provisions.* * * *

(2) The effective date of an award, original, increased or reopened, resulting from an amendment of the 1945 schedule or the promulgation of an administration issue, will be the date of receipt of the claim, original, increased or reopened, but in no event prior to the date

of the amendment or administration issue: *Provided*, That if a claim is pending, benefits may be awarded from the date of promulgation of the amendment or administration issue: *Provided further*, That if the amendment or issue is applied on the initiative of the administration, the effective date will be the date of administrative determination. The date of administrative determination is the date the rating sheet is signed. Except in unusual cases, the rating sheets will be typed and signed the same day the work sheet is prepared by the rating board.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 7, 9, 48 Stat. 9, 10; 38 U. S. C. 11, 11a, 426, 707, 709)

24. In § 3.236, paragraphs (a), (b) (2), (c) (1), (2), (3), and (d) are amended to read as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans Regulation 1 (a), (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress.* (a) Special monthly compensation provided by subparagraphs (k), Parts I and II, Veterans Regulation 1 (a), as amended, is applicable but once in any one case, when payable in addition to the compensation provided in paragraphs II, Parts I and II, subparagraphs (a) to (j). In other words, if the veteran has suffered the anatomical loss of one eye and one hand, his monthly compensation under Public, No. 2, 73d Congress, as amended, will be increased by $42 and not by $84 or by $33.60 and not by $67.20, if the disabilities were incurred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under subparagraphs (k) are now payable in addition to compensation payable under subparagraphs (l) to (n), and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates, provided the total does not exceed $360 in Part I cases, independent of additional compensation for dependents provided by section 1, Public, 877, 80th Congress, or $288 in Part II cases, independent of additional compensation for dependents provided by section 2, Public, 877, 80th Congress. For example, a war veteran who has suffered the loss of use of both hands, one foot, and one eye (light perception only) will be compensated at $240 plus two allowances of $42 each or $324 under the second part of subparagraph (k).

(b) *Helplessness* * * *

(2) The rate of $282 provided under subparagraph (m) on account of helplessness requiring regular aid and attendance applies only in cases entitled on account of blindness of both eyes. A veteran having suffered the loss, or loss of use, of both hands, feet, or one hand and one foot, and having no other compensable disability will be rated according to the level of amputation or loss of use; entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities; when so based, i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $360 (or $288) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in subparagraph (p) to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with phosthesis in place, the rate will be $261 (or $208.80).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $300 (or $240).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $282 (or $225.60).

* * * * *

(d) *Ratings for specific conditions*—(1) *Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less, and blindness of the other eye having only light perception, the rate will be $261 (or $208.80).

(ii) With blindness of one eye having only light perception, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $300 (or $240).

(iii) With blindness of one eye having 5/200 visual acuity or less, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $282 (or $225.60).

(2) *Rating of blindness of both eyes having no light perception.* The rate under subparagraphs (n), $318 (or $254.40) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement.

(3) *Entitlement under subparagraph (o).* Entitlement to the maximum rate of $360 (or $288) per month on account of entitlement to two of the rates provided in one or more of subparagraphs (l) to (n), inclusive, must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use, of two extremities or being permanently bedridden renders the person helpless, increase to $360 (or $288) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use of two extremities, or blindness, be taken as entitling to $360 (or $288) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss or loss of use of both hands and of both feet result from a common etiological agent, for example, one injury, or rheumatoid arthritis, will not preclude entitlement to the maximum rate.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9, sec. 6, 53 Stat. 1070, 59 Stat. 533, sec. 2, 60 Stat. 904, 910; 38 U. S. C. 11, 11a, 426, 471a–3, 701, 707, ch. 12 note; Pub. Law 876, 80th Cong.)

25. In § 3.237, paragraph (b) is amended to read as follows:

§ 3.237 *Additional allowance for nurse or attendant.* * * *

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation based upon the need for a nurse or attendant, regular aid or attendance, or frequent and periodical aid or attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, as a result of severe traumatic lesions of the spinal cord, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, regular aid and attendance, or frequent and periodical aid and attendance (A. D. 201). In the excepted case a uniform rate of $360 (or $288) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amount to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, married, and having dependents, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $240 (or $192) per month or more based upon the need for regular aid and attendance when the veteran, married or having dependents, is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance.

(2) In determining the rate of special monthly compensation first consideration will be given to anatomical loss or losses of use of extremities, blindness, having 5/200 visual acuity or less, ana-

tomical loss of both eyes, or being permanently bedridden, and if, based on these considerations, there is entitlement to one of the rates under subparagraphs (l), (m), or (n), of Veteranss Regulation No. 1 (a) (38 U. S. C. ch. 12) or to two of these rates entitling under subparagraphs (o), no reduction is in order on account of being furnished nursing or attendant's service. If there is such entitlement based on these enumerated conditions, it is immaterial whether the veteran is also so helpless as to be in need of regular aid and attendance, and no reduction is in order on this account.

(3) It is only when entitlement to the rate under subparagraphs (l) singly, or with another entitlement to the rate under subparagraphs (l), (m), or (n), so as to qualify under (o), is based solely upon being so helpless as to be in need of regular aid and attendance, i. e., in the absence of other entitling conditions, that reduction on this account is in order.

(4) The reduction in the case of a veteran entitled only under subparagraphs (l) on account of helplessness will be in the amount of $102 (or $81.60).

(5) When any veteran is entitled to one of the rates under subparagraphs (l), (m) or (n) by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under subparagraphs (l) on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $360 (or $288) per month. This amount is subject to reduction to $282 (or $225.60) or $318 (or $254.40) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $360 to $240 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basic entitlement is under subparagraphs (l) or (m), to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under subparagraph (n), the additional disability rendering the person helpless is necessarily ratable at 100%; consequently, the rate of pension will be $360 (or $288) per month whether or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under subparagraphs (m) only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be $42 (or $33.60) per month.

(7) Additional pension of $42 (or $33.60) per month under subparagraphs (k), or on account of 50% disability or 100% disability in excess of the conditions entitling under subparagraphs (l), (m), or (n) is not subject to reduction on account of being furnished nursing or attendant's service.

The reduced rate of compensation in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans Administration. The compensation in all cases contemplated herein is subject to the limitations contained in § 3.255.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 27, 28, 48 Stat. 9, 524, 59 Stat. 533, sec. 2, 60 Stat. 910; 38 U. S. C. 11, 11a, 426, 471a, 471a–3, 707, 722, ch. 12 note; Pub. Law 876, 80th Cong.)

26. In § 3.255, paragraph (b) is amended to read as follows:

§ 3.255 *Reduction when disabled person is in a Veterans' Administration institution or other institution at the expense of the Veterans' Administration. (Section 1, Public Law 662, 79th Congress)* * * *

(b) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and shall be rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation or retirement pay for such veteran shall be subject to the provisions of pararaph (a) of this section: *Provided, further,* That in any case where the estate of such incompetent veteran derived from any source equals or exceeds $1,500, further payments of such benefits will not be made until the estate is reduced to $500. Payment will be discontinued effective as of the date of admission or the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500, whichever is later, or in the event of a readmission where upon the prior admission the payments were discontinued because the veteran had an estate of $1,500, the discontinuance will be effective as of the date of the readmission, or if not so discontinued, the discontinuance will be effective the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500. The above proviso is not applicable to retired officers and enlisted men of the Army, Air Force, Navy, Marine Corps and Coast Guard otherwise within the provisions of section 4 of the act of July 19, 1939, as amended (Comptroller General Decision of May 18, 1948—B–72718).

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 1, 60 Stat. 908; 38 U. S. C. 11, 11a, 426, 707, 739, ch. 12 note)

27. In § 3.310, paragraph (d) is amended to read as follows:

§ 3.310 *Apportionments authorized.* * * *

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a political subdivision thereof, the disability pension payable under Veterans Regulation 1 (a), Part III (38 U. S. C. ch. 12), unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out below. Prior to authorizing an apportionment of disability pension as provided herein adequate development will be accomplished for the purpose of determining the need therefor and the evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured. In any case where there is doubt as to the propriety of the contemplated action or where, after all feasibly available evidence is secured, there is doubt as to the marital status or relationship, the case will be submitted, together with a full statement of the pertinent facts, to the director, veterans claims service, central office, for an advisory opinion or such other action as may be deemed appropriate.

Where there is (are)—

A wife but no child or where all children are in her custody—Portion to wife, $50.40 monthly.

A child but no wife—Portion for child, $39.60 monthly.

Two or more children but no wife—Portion for children, $50.40 monthly (to be divided equally between them).

A dependent parent but no wife or child—Portion for parent, $39.60 monthly.

Two dependent parents but no wife or child—Portion for parents, $50.40 monthly (to be divided equally between them).

Any increase in pension by reason of the veteran having attained the age of 65 or having been rated permanently and totally disabled and in receipt of pension for a continuous period of 10 years or more will be added to the amount allowed the dependents as hereinabove described. There will be paid to the manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided herein are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.315 for a special apportionment under the approved procedure relating thereto.

Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action.

* * * * *

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 4, 7, 48 Stat. 9, sec. 3, 54 Stat. 1195, sec. 1 (B), 60 Stat. 908; 38 U. S. C. 11, 11a, 49a note, 426, 704, 707, 739, ch. 12 note)

28. Section 3.1503 of the Provisional Regulations is hereby canceled.

§ 3.1503 *Instructions relating to adjustment of awards under Public Law 876, 80th Congress.* [Canceled.]

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49–8167; Filed, Oct. 11, 1949; 8:49 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.150 is amended to read as follows:

§ 6.150 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for yearly renewable term (War Risk) insurance or United States Government life insurance and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and in case of death that there was a valid designation of beneficiary, or that there is entitlement to total disability benefits, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained a record of insurance will be established in accordance with such findings. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not become permanently and totally disabled or die at a time when the insurance would have been in force if insurance had been applied for, or in case of death if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that unless he desires to appeal to the Administrator a disagreement exists as to the matters in controversy as contemplated by the provisions of section 19 of the World War Veterans Act, 1924, as amended, as far as the Veterans' Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans' Affairs by giving notice in writing within sixty days from the date of the letter advising of the unfavorable decision. The director, underwriting service, will make all original determinations required by this section except, in death cases, the determination as to the validity of beneficiary designations will be made by the dependents and beneficiaries claims service in central office.

(Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

2. In Part 8, §§ 8.66 and 8.70 are amended to read as follows:

§ 8.66 *Expenses incident to examinations for insurance purposes.* Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or hospitals shall be furnished when the insured is ordered to report for examination at the specific request of the director of the insurance service concerned or the manager of a regional office or hospital: *Provided*, Such expenses will be borne by the United States and will be paid from the appropriation, "Salaries and Expenses, Veterans' Administration." Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans' Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis, the fee will be based on the "Guide for Charges for Medical Service", current Veterans' Administration Catalog No. 5, in force at the time the examination is made.

§ 8.70 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for National Service life insurance and that the insurance is subject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained a record of insurance will be established in accordance with such findings. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged, would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or in case of death if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that unless he desires to appeal to the Administrator a disagreement exists, as to the matters in controversy as contemplated by the provisions of section 617 of the National Service Life Insurance Act of 1940, as amended, as far as the Veterans' Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans' Affairs by giving notice in writing within sixty days from the date of the letter advising of the unfavorable decision. The director, underwriting service, will make all original determinations required by this section except, in death cases, the determination as to the validity of beneficiary designations will be made by the dependents and beneficiaries claims service in central office or by the claims service in the district office as may be appropriate in the particular case.

(Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49-8168; Filed, Oct. 11, 1949; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES: SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MEXICO

In § 127.304 *Mexico* (13 F. R. 9185, 14 F. R. 5243), amend subdivision (i) of paragraph (b) (9) by deleting all of subdivision (1) following the list of prohibited articles and inserting in lieu thereof the following:

(b) *Parcel post.* * * *

(9) *Prohibitions.* * * *

(ii) Certain of the above listed items may be imported into specific areas of Mexico known as free zones, free perimeters, and free ports. These free areas are generally located in outlying districts of the country. Specific information regarding them may be obtained by interested patrons from the American Republics Branch, Office of International Trade, Department of Commerce, Washington 25, D. C., or any Commerce Department field office located in the principal cities of the United States.

(iii) No parcel-post or regular-mail packages for delivery in Mexico containing any of the items listed above as prohibited may be accepted for mailing unless addressed to one of the free areas, or unless the sender has received assurance that the addressee will be permitted to receive the contents. In such cases, the sender must endorse the wrapper "Importation into Mexico authorized" or similarly.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-8144; Filed, Oct. 11, 1949; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 842]

PART 95—CAR SERVICE

TRAINLOADS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of October A. D. 1949.

It appearing, that the loading of box cars with bauxite ore concentrates by the Reynolds Metals Company, Bauxite, Arkansas, and the assembling and forwarding of the loaded cars in trainload lots of 1,800 tons, or more, by common carriers by railroad are impeding the use, control, supply, movement, distribution, exchange, and interchange of such cars; in the opinion of the Commission an emergency exists at Bauxite, Arkansas, requiring immediate action: It is ordered, that:

§ 95.842 *Trainloads of bauxite ore concentrates*—(a) *Shipments of bauxite ore concentrates to be forwarded within one day (24 hours).* Common carriers by railroad subject to the Interstate Commerce Act transporting in switch and line-haul movement trainload shipments of 1,800 tons, or more, of bauxite ore concentrates from the Reynolds Metals Company, Bauxite, Arkansas, shall forward each individual carload consisting of part of a shipment made under section 1, Item 1605 of Agent L. E. Kipp's I. C. C. 1521, or as amended, within one day (24 hours) after the first 7 a. m. after the car is loaded.

(b) *Cars comprising minimum trainload must be moved within three days (72 hours).* Each common carrier by railroad shall forward all carloads comprising minimum trainload shipment mentioned in paragraph (a) of this section from Bauxite, Arkansas, within three days (72 hours) after the first 7 a. m. after the first car is loaded.

(c) *Exceptions.* Box cars in which mechanical defects have developed after loading.

(d) *Computing time.* In computing the time under this section Saturdays, Sundays, and all holidays shall be included.

(e) *Special and general permits.* The provisions of this section shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(f) *Effective date.* This section shall become effective at 12:01 a. m., October 6, 1949.

(g) *Expiration date.* This section shall expire at 11:59 p. m., December 6, 1949, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)–(17))

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8164; Filed, Oct. 11, 1949; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR ORANGES IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949) that the United States Department of Agriculture is considering the issuance of United States Standards for Oranges (California and Arizona). These standards will supersede the United States Standards for Oranges (California and Arizona) that have been in effect since March 15, 1941.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards shall file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.301 *Standards for oranges (California and Arizona)*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy shall consist of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety; free from decay, broken skins which are not healed, hard or dry skins, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and from injury caused by split, rough, wide or protruding navels, sprayburn, fumigation, ammoniation, creasing, scars, green spots, scale, sunburn, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety; free from decay, broken skins which are not healed, hard or dry skins, growth cracks, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, sprayburn, fumigation, ammoniation, creasing, scars, green spots, scale, sunburn, dirt or other foreign materials, disease, insects, or mechanical or other means. Each fruit shall be well colored, except Valencia oranges which shall be at least fairly well colored. Stems shall be properly clipped. (See Tolerances.)

(3) *U. S. No. 2.* U. S. No. 2 shall consist of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, and which may be slightly misshapen but not excessively rough; which are free from decay, broken skins which are not healed, hard or dry skins, growth cracks, and from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, sprayburn, fumigation, ammoniation, creasing, scars, green spots, scale, sunburn, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(4) *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See Tolerances.)

(5) *U. S. No. 3.* U. S. No. 3 shall consist of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough, but not seriously lumpy, which are free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, sprayburn, fumigation, ammoniation, creasing, scars, green spots, scale, sunburn, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(b) *Unclassified.* Unclassified shall consist of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing

grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruit in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

(2) *U. S. Combination grade.* Not more than 10 percent, by count, of the fruit in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided,* That the entire lot averages within the percentage specified.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(2) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(3) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack.* (1) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(3) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of 1¼ inches.

(4) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(5) *Example of standard size orange.* The standard size orange for a 200 count is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(6) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet the requirements for the standard pack.

(f) *Standards for export.* (1) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(i) Not more than one-half of 1 percent shall be allowed for oranges affected by decay.

(ii) Not more than 3 percent shall have broken skins which are not healed.

(iii) Not more than 3 percent shall have growth cracks.

(iv) Not more than 5 percent shall be soft.

(v) Not more than 5 percent shall be damaged by creasing.

(vi) Not more than 5 percent shall be seriously damaged by split or protruding navels.

(vii) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(viii) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is yellow or orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit showing green color.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are short and shallow.

(6) "Injury" means any defect which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Navels with any unhealed split or any split more than one-eighth of an inch in length. Navals which protrude beyond the general contour of the orange, or those which are flush with the general contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded or ridged, that it detracts noticeably from the appearance of the orange.

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is noticeably injured, or which causes scarring that aggregates more than one-half of an inch in diameter.

(iii) Fumigation injury which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid or depressed scarring which aggregates more than one-fourth of an inch in diameter.

(iv) Ammoniation which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring which aggregates more than one-fourth of an inch in diameter.

(v) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface.

(vi) Scars which are very dark and more than one-eighth of an inch in diameter.

(vii) Scars which are dark, rough, or deep and aggregate more than one-fourth of an inch in diameter.

(viii) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than one-half of an inch in diameter.

(ix) Scars which are light colored, fairly smooth, with no depth and aggregate more than 5 percent of the fruit surface.

(x) Green spots which are depressed or soft, or are more than four in number, or which aggregate more than three-fourths of an inch in diameter.

(xi) Scale, when more than 5 medium to large California red or purple scale are adjacent to the "button" at the stem end, or are scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(xii) Sunburn which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

(7) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be

considered in judging texture, as large fruit is not usually as smooth as the small. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of slight furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless they are of sufficient depth, length, and number to materially affect the appearance and smoothness of the orange.

(8) "Damage" means any injury which materially affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition, when affecting all segments more than one-fourth of an inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(ii) Any unhealed split or more than three well-healed splits at the navel, or any split which is more than one-fourth of an inch in length. Navels which flare, bulge, or protrude beyond the general contour of the orange to such an extent that they are subject to mechanical injury in the process of grading, handling and packing; or navels with the opening so wide, considering the size of the orange, or the navel growth so folded and ridged, that it detracts materially from the appearance of the orange.

(iii) Sprayburn which changes the color to such an extent that the appearance of the fruit is materialy injured, or which causes scarring that aggregates more than one-half of an inch in diameter.

(iv) Fumigation injury which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring or depressions which aggregate more than one-half of an inch in diameter.

(v) Ammoniation which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked) which aggregates more than one-half of an inch in diameter.

(vi) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface.

(vii) Scars which are very dark and aggregate more than one-fourth of an inch in diameter.

(viii) Scars which are dark, rough or deep and aggregate more than one-half of an inch in diameter.

(ix) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than one inch in diameter.

(x) Scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface.

(xi) Green spots which are depressed or soft, or are more than seven in number, or which aggregate more than one inch in diameter.

(xii) Scale, when more than 10 medium to large California red or purple scale are adjacent to the "button" at the stem end, or are scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(xiii) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(9) "Fairly well colored" means that the yellow or orange color predominates on the fruit.

(10) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

(11) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

(12) "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

(13) "Serious damage" means any injury which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, when affecting all segments more than one-half of an inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(ii) Any unhealed split or any split more than one-half inch in length, or splits aggregating more than one inch in length. Navels which protrude beyond the general contour of the orange to such an extent that they are a likely source of mechanical injury during the process of grading, handling and packing; or navels with the opening so wide, considering the size of the orange, or the navel growth so badly folded and ridged, that it detracts seriously from the appearance of the orange.

(iii) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured, or which causes scarring that aggregates more than 10 percent of the fruit surface.

(iv) Fumigation injury which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring or depressions which aggregate more than 5 percent of the fruit surface.

(v) Ammoniation which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring (not cracked) which aggregates more than 5 percent of the fruit surface.

(vi) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface.

(vii) Scars which are very dark and aggregate more than 5 percent of the fruit surface.

(viii) Scars which are dark, rough, or deep and aggregate more than 10 percent of the fruit surface.

(ix) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface.

(x) Scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface.

(xi) Green spots which are soft, or aggregate more than 2 inches in diameter.

(xii) Scale, when California red or purple scale is concentrated as a ring or blotch, or which is more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent.

(xiii) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or affects more than one-third of the fruit surface.

(xiv) Growth cracks that are leaking, gummy, or not well healed.

(14) "Slightly spongy" means the fruit is puffy or slightly wilted but not flabby.

(15) "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

(16) "Very serious damage" means any injury which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Split navels which are leaking, gummy or not well healed.

(ii) Sprayburn which seriously affects more than 25 percent of the fruit surface.

(iii) Fumigation injury which causes deep, rough, or dark scarring which aggregates more than 25 percent of the fruit surface.

(iv) Ammoniation which aggregates more than 10 percent of the fruit surface, or causes serious cracks.

(v) Creasing which is so deep or extensive that the skin is very seriously weakened.

(vi) Scars which are very dark, very rough, or very deep and aggregate more than 10 percent of the fruit surface.

(vii) Scars which are dark, rough, or deep and aggregate more than 25 percent of the fruit surface.

(viii) Green spits which are badly sunken, or soft.

(ix) Scale so numerous or large that the appearance of the fruit is very seriously affected.

(x) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

Done at Washington, D. C., this 7th day of October 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-8175; Filed, Oct. 11, 1949; 8:51 a. m.]

[7 CFR, Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR BURLEY TOBACCO FOR 1950–51 MARKETING YEAR

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to determine whether marketing quotas on Burley tobacco are required to be proclaimed for the 1950–51 marketing year, and, if so, the amount of the national marketing quota and the apportionment of the quota among the several States.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The act provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level.

The act (7 U. S. C. 1301 (b)) defines the "total supply" of Burley tobacco for the 1949–50 marketing year as the carryover on October 1, 1949, the beginning of the Burley tobacco marketing year, plus the estimated 1949 production in the United States. "Reserve supply level" is defined as a normal supply plus 5 per centum thereof. A "normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption, and 65 per centum of a normal year's exports. A "normal year's domestic consumption" of Burley tobacco for the 1949–50 marketing year is defined as the yearly average quantity produced in the United States, and consumed in the United States during the ten marketing years, 1939–40 through 1948–49, adjusted for current trends in such consumption. A "normal year's exports" of Burley tobacco for the 1949–50 marketing year is defined as the average quantity produced in the United States which was exported from the United States during the ten marketing years, 1939–40 through 1948–49, adjusted for current trends in such exports.

The Act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The act (7 U. S. C. 1313 (g) authorizes the Secretary to convert the State marketing quota into a State acreage allotment on the basis of average yield per acre of tobacco for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

The act (7 U. S. C. 1312 (b)) provides further that within 30 days after a national marketing quota is proclaimed for the 1950–51 marketing year, the Secretary shall conduct a referendum of farmers who were engaged in the production of the 1949 crop of Burley tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years, beginning with the 1950–51 marketing year. If two-thirds of the farmers voting on this question favor marketing quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period.

In making the determinations as to whether marketing quotas are required to be proclaimed on Burley tobacco for the 1950–51 marketing year, and, if so, the amount of the national marketing quota, the apportionment of the quota among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than October 22, 1949.

Issued at Washington, D. C., this 7th day of October 1949.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator.

OCTOBER 7, 1949.

[F. R. Doc. 49–8176; Filed, Oct. 11, 1949; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR CONTINUATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 27, 1948 (7 A. D. 974) authorizing respondents to assess the charges presently in effect for a period of one year beginning November 2, 1948.

On October 7, 1949, the Livestock Branch, Production and Marketing Administration, filed a petition requesting that an order be issued continuing in effect all of the provisions of the order dated October 27, 1948, to and including November 1, 1950.

Notice of the filing of the petition is hereby given to all interested persons. Interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Done at Washington, D. C., this 10th day of October 1949.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 49–8199; Filed, Oct. 11, 1949; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1153]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER DISMISSING APPLICATION FOR WANT OF PROSECUTION

OCTOBER 6, 1949.

Notice is hereby given that, on October 5, 1949, the Federal Power Commission issued its order entered October 4, 1949, dismissing, for want of prosecution, the application for certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49–8158; Filed, Oct. 11, 1949; 8:47 a. m.]

[Docket No. G–1214]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

OCTOBER 6, 1949.

On October 3, 1949, exceptions were filed to the Presiding Examiner's decision entered on September 2, 1949, in the above-entitled proceedings by Colorado Interstate Gas Company, Public Service Company of Colorado, the City of Colorado Springs, Colorado, and the Staff of the Federal Power Commission.

In addition to the exceptions filed, Public Service Company of Colorado also filed on October 3, 1949, a separate motion for oral argument before the Commission with respect to that portion of

the Presiding Examiner's decision relating to Original Volume No. 1. Colorado Interstate Gas Company included in its exceptions a motion for oral argument before the Commission with respect to Original Volumes Nos. 1 and 2.

The Commission finds: It is appropriate that the aforesaid motions be granted and that oral argument in the proceedings be had before the Commission as hereinafter ordered.

The Commission orders: Oral argument be had before the Commission on October 20, 1949, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: October 7, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8165; Filed, Oct. 11, 1949; 8:48 a. m.]

[Docket No. G-1223]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 6, 1949.

Notice is hereby given that, on October 5, 1949, the Federal Power Commission issued its order entered October 4, 1949, modifying order of August 29, 1949, published in the FEDERAL REGISTER on September 8, 1949 (14 F. R. 5527), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8159; Filed, Oct. 11, 1949; 8:47 a. m.]

[Docket No. G-1286]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

OCTOBER 6, 1949.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation, having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on September 30, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities hereinafter described.

Applicant proposes to transport and sell natural gas to United Gas Corporation for resale in the Villages of Bienville and Castor, Bienville Parish, Louisiana, and for such purpose to construct and operate taps at approximately Mile Posts 81.81 and 69.01 on its Carthage-Sterlington 24-inch line, for the daily delivery in the year 1950 of up to 89,000 cubic feet to the Village of Bienville and up to 80,000 cubic feet to the Village of Castor.

The estimated cost of the proposed facilities is $512, which Applicant proposes to finance out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8157; Filed, Oct. 11, 1949; 8:47 a. m.]

[Docket Nos. ID-835, ID-1122]

ERNEST S. FIELDS AND JOSEPH PAUL O'BRIEN

NOTICE OF AUTHORIZATIONS

OCTOBER 6, 1949.

Notice is hereby given that, on October 5, 1949, the Federal Power Commission issued its orders entered October 4, 1949, in the above-designated matters, authorizing Applicants to hold certain positions in the Cincinnati Gas & Electric Company, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8160; Filed, Oct. 11, 1949; 8:47 a. m.]

[Project No. 1956]

LYLES FORD TRI-COUNTY POWER AUTHORITY

NOTICE OF ORDER EXTENDING TIME OF PRELIMINARY PERMIT

OCTOBER 6, 1949.

Notice is hereby given that, on October 5, 1949, the Federal Power Commission issued its order entered October 4, 1949, extending to October 27, 1951, the period of preliminary permit in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8161; Filed, Oct. 11, 1949; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II d, *Field Operations Division*, which appeared at 14 F. R. 3454 and 1624, is amended by adding paragraph 5, as follows:

5. Pursuant to the Federal Tort Claims Act (Title IV, Public Law 601, 79th Congress, as amended by Public Law 55, 81st Congress), Assistant Commissioners for Field Operations are delegated the power to consider, ascertain, adjust, determine, and settle claims against the United States not in excess of $1,000 arising out of the acts or omissions of field and project employees under their jurisdiction.

Section II e, f, and g, which appeared at 14 F. R. 1625, are amended as follows, and section II h, i, and j are renumbered accordingly section II g, h, and i:

e. *The Administrative and Fiscal Division.* The Administrative and Fiscal Division is headed by an Assistant Commissioner for Administration who is delegated the powers set forth in subparagraphs 2, 3, 4, 5, and 6 of this paragraph, and in connection with low-rent projects, the power to approve estimates of average annual expense.

1. The Administrative and Fiscal Division is composed of the Fiscal Branch, headed by a Comptroller, and the Audit, Budget, Personal Property, Personnel and Planning, Document Control, and Office Services Branches, each headed by a Director.

2. The Comptroller is delegated the power:

(a) To execute sales contracts, and other contracts incidental thereto, between the government and individual occupants of subsistence homestead projects and between the government and associations or corporations purchasing such projects, or parts thereof;

(b) To approve banks proposed or selected by local housing authorities as depositaries or fiscal agents in compliance with contracts for loans and annual contributions, to approve fees payable to the fiscal agents and to approve the use of banks or depositaries for PHA directly operated, leased, or conversion-management projects;

(c) To execute Requisition Agreements pursuant to the United States Housing Act of 1937, as amended, and Public Law No. 671, approved June 28, 1940;

(d) To accept the service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee, to execute all necessary and proper documents required in connection therewith, and appear to testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice;

(e) To consider, ascertain, adjust, determine, and settle claims against the United States not in excess of $1000 arising out of the acts or omissions of Central Office employees pursuant to the Federal Tort Claims Act (Title IV, PL-601, 79th Congress, as amended by PL-55, 81st Congress).

The Deputy Comptrollers are delegated the powers set forth in paragraphs 2 (a) through (d) above.

3. The powers delegated in subparagraphs (b) and (c) of paragraph 2 may also be exercised by the Chief of the Financing Section and the Chief of the Securities and Investments Unit of the Fiscal Branch.

4. The Director of the Budget Branch is delegated the power to approve all individual project budgets and consolidated budgets.

5. The Director of the Personal Property Branch is delegated the power:

(a) To execute contracts (involving expenditure of non-administrative funds only) for the purchase and rental of equipment and supplies, for the rental of space, and for the purchase of services other than personal services;

(b) To order the publication of advertisements, in accordance with General Accounting Office General Regulation No. 109;

(c) To dispose of personal property, including the power to execute Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

6. The Director of the Office Services Branch is delegated the power:

(a) To execute contracts (involving the expenditure of administrative funds only) for the purchase and rental of equipment and supplies, for the rental of space, and for the purchase of services other than personal services;

(b) To order the publication of advertisements, in accordance with General Accounting Office General Regulation No. 109;

(c) To execute contracts up to $100 for the temporary or intermittent employment of persons or organizations as experts or consultants.

f. *Attesting Officer.* The Assistant Commissioner for Administration is designated as the Attesting Officer for the Public Housing Administration in the Central Office. The Attesting Officer shall affix the official seal to such documents as may require its application, and is authorized to certify that copies of documents, leases, contracts and other papers duly approved, are identical with the originals on file in the Central Office. The Director, Office Services Branch, and the Administrative Assistant of the Legal Division are designated as alternate Attesting Officers in the Central Office and shall have the same duties, functions and authority vested in the Attesting Officer.

Approved: October 3, 1949.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 49-8169; Filed, Oct. 11, 1949; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1117]

ARKANSAS NATURAL GAS CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1949.

The Philadelphia-Baltimore Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Class A Common Stock, No Par Value, of Arkansas Natural Gas Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the Boston Stock Exchange; that the geographical area deemed to constitute the vicinity of the Philadelphia-Baltimore Stock Exchange is the States of Pennsylvania, New Jersey, Delaware and Maryland; that out of a total of 3,522,521 shares outstanding, 398,290 shares are owned by 2,947 shareholders in the vicinity of the Philadelphia-Baltimore Stock Exchange; and that in the vicinity of the Philadelphia-Baltimore Stock Exchange 845 transactions were effected in 118,241 shares during the period from August 1, 1948, to August 1, 1949;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia-Baltimore Stock Exchange for permission to extend unlisted trading privileges to the Class A Common Stock, No Par Value, of Arkansas Natural Gas Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-8149; Filed, Oct. 11, 1949; 8:46 a. m.]

[File Nos. 54-63, 59-47]

REPUBLIC SERVICE CORP. ET AL.

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 5th day of October A. D. 1949.

In the matter of Republic Service Corporation and its subsidiary companies, File Nos. 54-63 and 59-47.

The Commission having on April 29, 1948 approved an amended joint plan of reorganization of Republic Service Corporation ("Republic"), a registered holding company, filed by Republic and Irving H. Isaac, a preferred stockholder of Republic, pursuant to the provisions of sections 11 (e) and 11 (d) of the Public Utility Holding Company Act of 1935, respectively, but having reserved jurisdiction in said order as well as our orders dated April 16, 1945, and September 22, 1947, with respect to the reasonableness of all fees and expenses incurred in connection with Republic's plan and the transactions incident thereto and the consummation thereof; and

Republic having filed an application requesting allowances of fees and expenses out of the corporate estate, Republic Service Corporation, for services rendered in said connection; and

The Commission having considered the record and having this day made and filed its findings and opinion herein;

It is ordered, That the application of Republic Service Corporation is hereby approved and Republic shall pay the fees and expenses in the amounts indicated to the following named persons or firms:

Evans, Bayard & Frick, counsel for Republic, $60,000 for fees, less $12,500 heretofore paid after prior approval by the Commission;

Warren & McGroddy, counsel for Irving H. Isaac, $30,000 for fees and $3,502.06 for disbursements;

Barnes, Dechert, Price, Smith & Clark, counsel for the Indenture Trustee, $3,500 for fees and $22.41 for disbursements;

Gilbert Associates, Inc., consultants, $2,404.79 for fees and $140.49 for disbursements;

Duff & Phelps, consultants, $2,000 for fees and $231.59 for disbursements;

Townsend, Elliott & Munson, counsel for the Provident Trust Company and Provident Mutual Life Insurance Company, $3,000 for fees.

It is further ordered, That Republic Service Corporation pay the expenses of the corporation in the aggregate amount of $30,488.40.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-8145; Filed, Oct. 11, 1949; 8:45 a. m.]

[File Nos. 54-168, 59-12]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 4th day of October A. D. 1949.

In the matter of American Power & Light Company and Electric Bond and Share Company, File No. 54-168; American Power & Light Company and Electric Bond and Share Company, et al., Respondents, File No. 59-12.

American Power & Light Company ("American"), a registered holding company, and its parent company, Electric Bond and Share Company ("Bond and Share"), also a registered holding company, having filed a joint application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") and other applicable provisions of the act, for approval of a plan and amendments thereto ("the Plan"), providing, among other things, for the distribution of various assets of American among its security holders, the reclassification of the present stocks of American, and the settlement of certain intercompany claims; and

Public hearings having been duly held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

American having requested the Commission to enter an order reciting that

the transactions proposed in the Plan are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof;

American having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the Plan;

The Commission having considered the record in the matter and having filed its findings and opinion hereon on September 22, 1949, finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and, if amended in certain respects as set forth in said findings and opinion, fair and equitable to all persons affected thereby;

American and Bond and Share having on October 4, 1949, filed an amendment to the Plan modifying the Plan in accordance with the aforesaid findings and opinion of the Commission;

The Commission having considered the aforesaid amendment filed on October 4, 1949, in the light of its findings and opinion of September 22, 1949, and finding that the Plan, as thus amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected by it;

It is ordered, On the basis of the record herein and the said findings and opinion, pursuant to section 11 (e) of the act and other applicable provisions of the act, that the said Plan, as amended, be and it hereby is approved, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

1. That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the Plan, as amended, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Plan, as amended;

2. That jurisdiction be and hereby is specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the said Plan, as amended, and the transactions incident thereto, other than the fairness and reasonableness of the fees and expenses incident to the stockholders' actions enumerated in the Plan, as amended;

3. That jurisdiction be and hereby is specifically reserved with respect to the appropriateness under the act of the proposed charter and by-law provisions of American and to require any further modifications thereof as may hereafter appear appropriate;

4. That jurisdiction be and hereby is specifically reserved with respect to all accounting entries (other than entries made on a tentative basis) to be made by American and by Bond and Share for the purpose of or in connection with carrying out said Plan, and including, without limiting the generality of the foregoing, any entries (other than entries made on a tentative basis) with respect to the amounts at which American's investments in Pacific Power & Light Company and The Washington Water Power Company are to be recorded on American's books, and the amount at which American's capital is to be stated, and including jurisdiction to require any further or other entries deemed appropriate by the Commission;

5. That jurisdiction be and hereby is specifically reserved with respect to whether American can continue to own, hold or control the securities of Pacific Power & Light Company, Washington Irrigation & Development Company, and The Washington Water Power Company, or any other assets not distributed pursuant to the Plan, and with respect to whether the dissolution order of the Commission entered August 22, 1942 should be modified for the purpose of permitting the continued existence of American;

6. That any services rendered by Ebasco Services, Incorporated to Florida Power & Light Company, Minnesota Power & Light Company, The Montana Power Company, Texas Utilities Company, and American Power & Light Company, or to any subsidiary of any such company, shall be rendered at cost as defined in section 13 of the act and the rules and regulations thereunder until such time as Bond and Share completes its divestment of the securities of any such company, or of any direct or indirect interest in any such company which, by virtue of the Plan, it may acquire; and the acquisition by Bond and Share of any securities or any other interests under said Plan is expressly made subject to such conditions;

7. That jurisdiction be and hereby is specifically reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be necessary in connection with the Plan, as amended, the transactions incident thereto, and the consummation thereof.

It is further ordered and recited, That the issuances, transfers, deliveries, distributions and exchanges of securities, and interests therein, specified and itemized below, the transfers, deliveries, distributions and payments of cash and other property specified and itemized below, and the other transactions specified and itemized below, which are all to be carried out in accordance with the Plan, as amended, and which are all hereby approved, are necessary or appropriate to the integration or simplification of the holding company systems of which American and Bond and Share are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof:

1. The transfers and deliveries by American to the Distribution Agent designated pursuant to the Plan, as amended, of 2,450,000 shares of Common Stock of Florida Power & Light Company, 600,000 shares of Common Stock of Minnesota Power & Light Company, 2,475,420 shares of Common Stock of The Montana Power Company and 4,399,237 shares of Common Stock of Texas Utilities Company, and of any rights to subscribe to additional securities received in respect of such shares while they are held by the Distribution Agent under the Plan, as amended.

2. The change by American of its authorized capitalization to 2,842,411 shares of a single class of Capital Stock, the reclassification of American's present Preferred and Common Stocks (including the shares called for by American's presently outstanding scrip) into 2,342,411 shares of said single class of Capital Stock, the issuances by American of up to 2,342,411 shares of said single class of Capital Stock in place of its present stock and scrip, and the transfers and deliveries from time to time by American to the Distribution Agent of up to 2,342,411 shares of said single class of Capital Stock.

3. The surrender to the Distribution Agent by the persons who are the holders of American's securities at the time of surrender thereof (whether or not such respective holders are the holders of record of the securities or became holders thereof on or after the Effective Date of the Plan, as amended) of up to 793,581.2 shares of American's Preferred Stock ($6), 978,444 shares of American's $5 Preferred Stock, and 3,008,511.54 shares of American's present Common Stock (including, in the case of the Preferred Stock ($6) and the Common Stock, scrip of American now outstanding in respect of such shares).

4. The transfers, deliveries, distributions and payments from time to time by the Distribution Agent, in exchange for certificates for shares of the present stocks of American (or satisfactory documents in lieu of missing certificates) surrendered by the above-mentioned holders to the Distribution Agent, of shares of the Common Stocks and Capital Stock specified in "1" and "2" above (or securities or property into which such shares may be converted or exchanged while the shares are held by the Distribution Agent), of rights to subscribe to additional securities (or the proceeds of such rights) received by the Distribution Agent in respect of such shares, and of cash as specified below, such exchanges, transfers, deliveries, distributions and payments by the Distribution Agent to be in the following basic amounts:

A. *For each share of American's Preferred Stock ($6) (including all undeclared, accumulated dividends thereon):*

1.242 shares of Common Stock of Florida Power & Light Company;

0.304 of a share of Common Stock of Minnesota Power & Light Company;

1.255 shares of Common Stock of The Montana Power Company;

2.231 shares of Common Stock of Texas Utilities Company;

1.188 shares of the single class of Capital Stock of American; and

Cash at the rate of $6 per annum for the period from and including the last quarterly $6 Preferred Stock dividend payment date prior to the Effective Date to but not including the Effective Date.

B. *For each share of American's $5 Preferred Stock (including all undeclared, accumulated dividends thereon):*

1.045 shares of Common Stock of Florida Power & Light Company;
0.256 of a share of Common Stock of Minnesota Power & Light Company;
1.057 shares of Common Stock of The Montana Power Company;
1.878 shares of Common Stock of Texas Utilities Company;
1 share of the single class of Capital Stock of American; and
Cash at the rate of $5 per annum for the period from and including the last quarterly $5 Preferred Stock dividend payment date prior to the Effective Date to but not including the Effective Date.

C. *For each share of American's Present Common Stock:*
0.147 of a share of Common Stock of Florida Power & Light Company;
0.036 of a share of Common Stock of Minnesota Power & Light Company;
0.148 of a share of Common Stock of The Montana Power Company;
0.263 of a share of Common Stock of Texas Utilities Company; and
0.14 of a share of the single class of Capital Stock of American.

5. The sales by the Distribution Agent, and the transfers and deliveries in connection with such sales, of any rights to subscribe to additional securities, which rights are received by the Distribution Agent in respect of shares of Common Stock held by it under the Plan, as amended.

6. The purchases and sales by the Distribution Agent, for account of holders surrendering shares of present stock of American, of fractional interests in shares of Common Stock of Florida Power & Light Company, Minnesota Power & Light Company, The Montana Power Company and Texas Utilities Company and of fractional interests in shares of the single class of Capital Stock of American, the transfers and deliveries of whole shares, or fractional interests, in connection with such sales, and the distributions, transfers and deliveries of whole shares which include the fractional interests so purchased, and the payments of the proceeds of such sales, to those entitled thereto under the Plan, as amended.

7. The distribution, delivery and payment by the Distribution Agent to Bond and Share, in lieu of 354 shares of Common Stock of Florida Power & Light Company and 37 shares of Common Stock of Minnesota Power & Light Company to which Bond and Share would be entitled on the basis set forth in "4" above, of cash representing the market value of said shares at the end of six months following the effective date.

8. The transfers, deliveries, distributions and payments by the Distribution Agent, in exchange for scrip in respect of American's Preferred Stock ($6) and of its present Common Stock aggregating one share or more surrendered to the Distribution Agent, of the securities (or the proceeds thereof) and cash to which the holders of the scrip are entitled under the Plan, as amended, in respect of the whole shares of present stock of American represented by such scrip; and the issuances by American, and the transfers and deliveries to such holders, of scrip representing any overplus of a fraction of a share of American's present stock.

9. The purchase and acquisition by American, and the transfers and deliveries in connection therewith, of 1 share of Common Stock of The Montana Power Company from each of the following Directors of The Montana Power Company, viz., F. W. Bird, Norman B. Holter, W. H. Hoover, E. J. Parkin, Peter Pauly and William L. Murphy, at the purchase price of $1.00 per share specified in options to purchase such shares given by said Directors to American.

10. The sales by American, and the transfers and deliveries by American in connection with such sales, of 185 shares of the Common Stock of The Montana Power Company and 763 shares of the Common Stock of Texas Utilities Company which remain with American after it has made delivery to the Distribution Agent of the shares of Common Stock specified in "1" above.

11. The sales by the Distribution Agent, after the expiration of two years following the effective date, and the transfers and deliveries in connection with such sales, of those shares of Common Stock delivered to the Distribution Agent pursuant to the Plan, as amended, which it then still holds, and the distributions, deliveries and payments of the proceeds of such sales, in lieu of the shares of Common Stock so sold, in exchange for shares of the present stock (including scrip) of American thereafter surrendered to the Distribution Agent.

12. The acquisition, revocation, abrogation and cancellation, pursuant to the Plan, as amended, of the presently outstanding securities of American (including presently outstanding scrip and scrip to be issued in partial exchange therefor), and the revocation, abrogation and cancellation, after the expiration of 5 years following the effective date, of those authorized shares of the single class of capital stock of American into which the present stocks of American have been reclassified pursuant to the Plan, as amended, but in respect of which certificates have not theretofore been issued by American.

13. All other issuances, transfers, deliveries, distributions, payments, exchanges and transactions which are required in order to carry out the Plan, as amended.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other and further orders, conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, as may appear to the Commission to be appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8146; Filed, Oct. 11, 1949; 8:45 a. m.]

[File No. 70-2224]

BUFFALO NIAGARA ELECTRIC CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of October 1949.

Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a subsidiary of Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed an application pursuant to the provisions of section 6 (b) of the act for exemption from the provisions of section 6 (a) thereof of the issue and sale to banks, in the aggregate principal amount of $2,000,000, of 2½% promissory notes maturing December 31, 1950, said notes having been expressly authorized by the Public Service Commission of New York by order dated September 20, 1949 and the proceeds from said sale to be utilized by Buffalo Niagara in connection with its construction program; and

Said application having been filed on September 19, 1949 and the last amendment thereto having been filed on October 5, 1949, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8148; Filed, Oct. 11, 1949; 8:45 a. m.]

[File No. 812-607]

NEWMONT MINING CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in Washington, D. C., on the 6th day of October A. D. 1949.

In the matter of Newmont Mining Corporation, Idarado Mining Company, Atlas Mining Company, Tomboy Gold Mines, Inc. and Telluride Mines, Inc., File No. 812-607.

Notice is hereby given that Newmont Mining Corporation ("Newmont") of 14 Wall Street, New York, New York, a closed-end non-diversified management company registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act the execution and performance of two proposed agreements whereby:

(1) Newmont will sell to Idarado Mining Company ("Idarado") and Idarado will purchase from Newmont 159 shares of the capital stock of Tomboy Gold Mines, Inc. ("Tomboy") at $942.50 per share, a total of $149,857.50, payable without interest as follows: $50,000 on June 1, 1950; $50,000 on June 1, 1951; and $49,857.50 on June 1, 1952. Idarado, upon Newmont's request, will issue its promissory note or notes for the payment of said purchase price.

(2) Newmont will sell to Telluride Mines, Inc. ("Telluride") and Telluride will purchase from Newmont 159 shares of the capital stock of Tomboy at $942.50 per share, a total of $149,857.50, payable without interest as follows: $50,000 on June 1, 1950; $50,000 on June 1, 1951; and $49,857.50 on June 1, 1952. Telluride, upon Newmont's request, will issue its promissory note or notes for the payment of the respective installments of the purchase price.

(3) Telluride will surrender for cancellation to Tomboy the "Tomboy Lease" covering most of the Tomboy property containing the Montana and Argentine veins and including the Tomboy Belmont or section 3 claims but not the Mora Group of patented mining claims.

(4) Tomboy will execute leases without payment or royalty provisions granting:

(a) To Telluride a lease upon the whole of the patented mining claims known as "the Montana Mine" lying northerly of the Shamrock Patented Lode Mining Claim, U. S. Mineral Survey No. 1317, together with all the interest of Tomboy in and to the Silver Jack, U. S. Mineral Survey No. 12777, and to the Gold Run Placer, U. S. Mineral Survey No. 554;

(b) To Idarado a lease on the whole of the Argentine No. 2, the Fraction, and the Red Cloud patented lode mining claims, U. S. Mineral Survey Nos. 758A, 14318, and 243, respectively; and

(c) To Atlas Mining Company ("Atlas") a lease on the whole of the patented mining claims and millsites in Ouray and San Miguel Counties, Colorado, known as the Tomboy Belmont or Section 3 Mine and the whole of the Mora Group together with all millsites, water rights and rights-of-way included therein or pertinent thereto.

(5) Idarado will convey to Telluride the whole of the N. W. H. Jr. Claim, U. S. Mineral Survey No. 595A (reserving, however, certain rights-of-way) and the whole of the Japan Millsite and all of Idarado's interests in the Gold Run Placer Claim, patented, U. S. Survey No. 554.

(6) Telluride will convey to Idarado the unrestricted and non-exclusive right to dump and store waste and tailings from the Meldrum Tunnel, mine workings connected therewith, or mills treating ore from the Meldrum Tunnel on the Lucile Placer Claim, patented, U. S. Mineral Survey No. 12289, and on the Newport Placer, U. S. Mineral Survey No. 2167.

(7) Telluride will convey to Idarado the whole of the Huerfano Patented Lode Mining Claim, U. S. Mineral Survey No. 4845A and the entire 40/48ths of the North Chicago Patented Lode Claim, U. S. Mineral Survey No. 11412, which it now has or will acquire.

(8) The agreement of November 3, 1948, between Idarado and Telluride granting certain easements to Telluride on the N. W. H. Jr. Claim and certain rights to Idarado in the Red Cloud Claim will be cancelled.

(9) Upon completion by Telluride and Idarado of their purchase of shares of capital stock of Tomboy:

(a) Telluride will surrender to Tomboy its 159 shares of Tomboy stock in exchange for a conveyance to it from Tomboy of the properties described in subparagraph 4 (a) above;

(b) Idarado will surrender to Tomboy its 159 shares of Tomboy stock in exchange for a conveyance to it from Tomboy of the properties described in subparagraph 4 (b) above; and

(c) Atlas will surrender to Tomboy its 109 shares of Tomboy stock in exchange for a conveyance to it from Tomboy of the properties described in subparagraph 4 (c) above.

(10) Newmont will sell to Telluride and Telluride will purchase from Newmont an additional 113 shares of Tomboy stock at $942.50 per share, a total of $106,502.50; $56,360.50 payable at once and the balance of $50,142.00 payable June 1, 1953 without interest.

(11) Thereupon Tomboy will execute two leases with the same royalty provisions covering all of Tomboy's rights on the whole of that portion of the Argentine Vein which lies between the southeasterly end line of the Argentine No. 1 patented lode claim, U. S. Mineral Survey No. 757A, and the southerly end line of the N. W. H. Jr. patented lode mining claim, U. S. Mineral Survey No. 595A above a horizontal plane passed through the bottom of the Mill Tunnel Level:

(a) Leasing to Telluride all of that portion of said section of the Argentine vein lying above the elevation of the Pennsylvania Level and below the elevation of the Treasury Tunnel, and also that portion of the same section lying above the elevation of the Mill Tunnel Level and below the elevation of the Camp Bird Tunnel; and

(b) Leasing to Idarado all of that portion of the said section of the Argentine Vein lying above the elevation of the Treasury Tunnel to the surface and also that portion of the same section lying above the elevation of the Camp Bird Tunnel and below the elevation of the Pennsylvania Level.

It appears from the application that Idarado, a Delaware corporation, with its principal executive offices at Ouray, Colorado, has outstanding 1,755,000 shares of capital stock, of which Newmont owns 1,536,201 shares (87.5%); that Atlas, a Delaware corporation, with its principal executive offices at Ouray, Colorado, has outstanding 276,000 shares of capital stock, of which Newmont owns 176,000 shares (63.8%); that Tomboy, a Colorado corporation, with its principal executive offices at Telluride, Colorado, has outstanding 653 shares of common stock, of which Newmont owns 544 shares (83.3%) and Atlas owns 109 shares (16.7%); that on or about June 13, 1949, Newmont purchased its 544 shares of Tomboy stock at $942.50 per share, a total of $512,720, from John H. Moore, a person who had no interest in or affiliation with Newmont; that Atlas purchased from said John H. Moore the remaining 109 outstanding shares of Tomboy stock in exchange for 100,000 shares of previously unissued stock of Atlas; that Telluride, a Colorado corporation, has its principal executive offices at Telluride, Colorado; and that Newmont has no interest in and no affiliation with Telluride.

It further appears from the application that Tomboy is the owner of mining properties, most of which are under long-term lease to Telluride (the "Tomboy Lease"), that have been productive of substantial amounts of ore bearing lead, zinc, copper, silver and gold in commercial quantities; that portions of such properties are contiguous in part to properties of Idarado and Atlas; that Newmont and Telluride believe that substantial savings in costs of mining can be effected by allocating to Idarado, Telluride, and Atlas, respectively, portions of the Tomboy properties lying nearest to the main working adits of each company and thereafter developing and mining the Tomboy properties through existing openings which provide the nearest access to the respective areas under development.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after October 21, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 19, 1949, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-8147; Filed, Oct. 11, 1949; 8:45 a. m.]

UNITED STATES MARITIME COMMISSION

JAVA NEW YORK LINE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval

pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement 8080, between Java New York Line, Silver Line, Ltd., Isthmian Steamship Company, Ellerman & Bucknall Steamship Co., Ltd., Lykes Bros. Steamship Co., Inc., American President Lines, Ltd., Prince Line, Limited, Salen-Skaugen Line, Lancashire Shipping Co., Ltd., and Fern Line, provides for the creation of a conference to be known as Atlantic and Gulf-Indonesia Conference for the establishment and maintenance of agreed rates, charges and practices for or in connection with transportation of cargo in the trade from United States Atlantic and Gulf of Mexico ports to ports in Indonesia. Agreement No. 8080 when approved will supersede the agreement of the Atlantic and Gulf/Dutch East Indies Conference (No. 125).

Agreement 7705, between the members of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading in the trade from ports on the West Coast of Italy between Ventimiglia and Reggio Calabria, inclusive, on the mainland and Sicilian ports and ports on the Adriatic Sea to the Virgin Islands, with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 10, 1949.

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 49-8177; Filed, Oct. 11, 1949; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13843]

ANNA LIPPERT

In re: Stock, bond and certificates of beneficial ownership owned by, and debts owing to Anna Lippert. F-28-30075-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Lippert, whose last known address is Muhring 53 bei Jirschenreuth, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of common capital stock of the Principle Building Corporation evidenced by a certificate or certificates registered in the name of Anna Lippert, Bavaria, Germany, presently in the custody of Mrs. Lena Flierl, 4227 North Spaulding Avenue, Chicago, Illinois, together with all declared and unpaid dividends thereon.

b. One (1) Bearer Bond of The Edgewater Hospital, Inc., of Chicago, Illinois, of $100.00 face value, bearing the number 375, presently in the custody of Mrs. Lena Flierl, 4227 North Spaulding Avenue, Chicago, Illinois, together with any and all rights thereunder and thereto.

c. One (1) certificate of beneficial interest for 132 units of Calmont Apartments Liquidation Trust, said certificate numbered 95, in the face amount of $100.00, registered in the name of Anna Lippert and presently in the custody of Mrs. Lena Flierl, 4227 North Spaulding Avenue, Chicago, Illinois, together with any and all rights thereunder and thereto, including any liquidation payments due or to become due thereon,

d. One (1) certificate of beneficial interest for 244 units of Edgewater Manor Apartments Liquidation Trust, said certificate numbered 208, registered in the name of Anna Lippert and presently in the custody of Mrs. Lena Flierl, 4227 North Spaulding Avenue, Chicago, Illinois, together with any and all rights thereunder and thereto, including any liquidation payments due or to become due thereon,

e. One (1) certificate of beneficial interest for 119 units of Mission Court Apartments Liquidation Trust, said certificate numbered 74, registered in the name of Anna Lippert and presently in the custody of the Chicago Title and Trust Company, 111 West Washington Street, Chicago, Illinois, together with any and all rights thereunder and thereto, including any liquidation payments due or to become due thereon,

f. Those certain debts or other obligations evidenced by the checks described in Exhibit A, attached hereto and by reference made a part hereof, said checks presently in the custody of William G. Thon, 139 North Clark Street, Chicago 2, Illinois, together with all rights in, to and under, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Lippert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

CHECKS PAYABLE TO ORDER OF ANNA LIPPERT

Date of check	Issuer of check	Check No.	Amount of check
July 10, 1940	Cochran & McCluer Co.	34507	$120.00
Apr. 18, 1942	do	36196	6.96
July 24, 1942	Chicago Title & Trust Co.	303626	1.79
June 21, 1944	do	457118	7.32
Jan. 21, 1946	do	585786	2.38
July 19, 1949	do	552189	2.38

[F. R. Doc. 49-8170; Filed, Oct. 11, 1949; 8:50 a. m.]

[Vesting Order 13846]

G. PLEHN

In re; Stock and checks owned by the personal representatives, heirs, next of kin, legatees and distributees of G. Plehn, deceased. F-28-9030-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of G. Plehn, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $100 par value 7% cumulative preferred capital stock of the Great Western Sugar Company, P. O. Box 5308 Terminal Annex, Denver 17, Colorado, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered H1646, registered in the name of G. Plehn, together with all declared and unpaid dividends thereon and

b. Those certain debts or other obligations of the Great Western Sugar Company, P. O. Box 5308 Terminal Annex, Denver 17, Colorado, evidenced by those checks issued by the Great Western Sugar Company, payable to G. Plehn and

numbered, dated and in the face amounts as set forth below:

Check No.	Date	Face amount
P44861	July 2, 1941	$14.61
P46960	Oct. 2, 1941	12.69
P49092	Jan. 2, 1942	12.69
P51244	Apr. 2, 1942	12.69
P53409	July 2, 1942	12.69
P55639	Oct. 2, 1942	12.69
P57953	Jan. 2, 1943	12.25
P60333	Apr. 2, 1943	12.25
P62728	July 2, 1943	12.25
P65114	Oct. 2, 1943	12.25
P67493	Jan. 3, 1944	12.25
P69894	Apr. 3, 1944	12.25
P72285	July 3, 1944	12.25
P74692	Oct. 2, 1944	12.25
P77100	Jan. 2, 1945	12.25
P79512	Apr. 2, 1945	12.25
P81943	July 2, 1945	12.25
P84384	Oct. 2, 1945	12.25
P86836	Jan. 2, 1946	12.25
P89317	Apr. 2, 1946	12.25
P91784	July 2, 1946	12.25
P94247	Oct. 2, 1946	12.25
P96735	Jan. 2, 1947	12.25
P99226	Apr. 2, 1947	12.25
P101708	July 2, 1947	12.25
P104194	Oct. 2, 1947	12.25
P106677	Jan. 2, 1948	12.25
P109174	Apr. 2, 1948	12.25
P111694	July 2, 1948	12.25
P114218	Oct. 2, 1948	12.25
P116727	Jan. 3, 1949	12.25
P119233	Apr. 2, 1949	12.25
P121738	July 2, 1949	12.25

said checks presently in the custody of The Great Western Sugar Company, and any and all rights in, to and under including the right to possession and presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of G. Plehn, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of G. Plehn, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8171; Filed, Oct. 11, 1949; 8:50 a. m.]

[Vesting Order 13855]

MARY EHRENBERG

In re: Estate of Mary Ehrenberg, deceased. File No. D-28-11890; E. T. sec. No. 16082.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Scheid, Ludwig Scheid and Louise Scheid, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the estate of Mary Ehrenberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the St. Louis Union Trust Company, as executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8172; Filed, Oct. 11, 1949; 8:50 a. m.]

[Vesting Order 13890]

GUIDO VIDAHL ET AL.

In re: Real property owned by Guido Vidahl and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany);

Names and Last Known Addresses

Guido Vidahl, 22 A Dusseldorf-Oberkassel, Barmerstrasse 20, Germany.

Anne Marie Vidahl, his wife, 22 A Dusseldorf-Oberkassel, Barmerstrasse 20, Germany.

Lucas Vidahl, also known as Lukas Vidahl and as Lucus Vidahl, Rodenden, Germany.

Clara Vidahl, his wife, Rodenden, Germany.

2. That the property described as follows: Real property situated in Louisville, County of Jefferson, State of Kentucky, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot, piece or parcel of land, situate, lying and being in the 7th City District, City of Louisville, County of Jefferson, State of Kentucky, and designated on the plats in the City Assessor's Office as Lot 15, Block 1109 and more fully described as follows:

Beginning in the Southwardly line of St. Louis Avenue, 92 feet Eastwardly from 16th Street; thence Eastwardly along the Southwardly line of St. Louis Avenue, 122 feet, and extending back Southwardly between lines parallel with 16th Street, 180 feet to an alley.

[F. R. Doc. 49-8173; Filed, Oct. 11, 1949; 8:50 a. m.]

[Vesting Order 13842]

JULIUS F. HORNING

In re: Stock and a bank account owned by Julius F. Horning. F-28-25793-D-1, F-28-25793-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius F. Horning, whose last known address is Berlin Hohenshonhaus, Goekestrasse 13, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of $50.00 par value 6% preferred capital stock of the Atlas Corporation, 33 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered A-9920, registered in the name of Julius F. Horning and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, together with all declared and unpaid dividends thereon, and any and all redemption payments thereon,

b. Seven (7) shares of $5.00 par value common capital stock of the Atlas Corporation, 33 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered CO-26984, registered in the name of Julius F. Horning and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Compound Interest Account, Account No. 2837, entitled "Julius F. Horning", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8140; Filed, Oct. 10, 1949; 8:49 a. m.]

[Vesting Order 13860]

NINA MACK

In re: Estate of Nina Mack, deceased. File No. D-28-8297; E. T. sec. 9521.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amelia (Amalia) Muller, Marie Stumpf and Ernest Schmidt, whose last known address was, on July 27, 1949, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $194.97 was paid to the Attorney General of the United States by Gordon F. Rainey, administrator with the will annexed of the estate of Nina Mack, deceased;

3. That the said sum of $194.97 was accepted by the Attorney General of the United States on July 27, 1949, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $194.97 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on July 27, 1949, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8141; Filed, Oct. 10, 1949; 8:49 a. m.]

[Return Order 444]

ERICH STAMM

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Erich Stamm, Prague, Czechoslovakia; Claim No. 6319; July 16, 1949 (14 F. R. 4032); the property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,156,517. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8142; Filed, Oct. 10, 1949; 8:49 a. m.]